



UNIVERSITÉ ROYALE DE DROIT ET DES SCIENCES ÉCONOMIQUES
ROYAL UNIVERSITY OF LAW AND ECONOMICS

Université Royale de Droit et des Science
Economiques
Royal University of Law and Economics

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本報告係根據「國家安全情報管理條例」第17條第1項規定，
 經本會依該條例第17條第2項規定，
 審查通過，准予公開。除分送有關機關、團體、組織、
 個人及本會各分會外，
 合行刊登，以昭大信。此致
 全體僑胞

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1. 本報告係根據本會所屬之「國家安全情報中心」所蒐集之資料，經本會整理、分析、研判後，提供政府參考之用。本報告之內容，均屬本會所屬之「國家安全情報中心」所蒐集之資料，其內容之真實性、準確性，均由本會所屬之「國家安全情報中心」負責。

1 <https://www.reuters.com/world/asia-pacific/us-lawmakers-arrive-taiwan-thursday-report-2022-08-25/> 美國眾議院議員 2022 年 8 月 25 日抵達台灣 (路透社報導)

2 <https://www.reuters.com/world/pelosi-visit-taiwan-tuesday-taiwan-media-2022-08-01/> 美國眾議院議長佩洛西將於週二訪問台灣 (美國眾議院議長佩洛西將於週二訪問台灣)

³ <https://m.freshnewsasia.com/index.php/en/freshnewsplus/171651-2020-09-24-12-51-15.html>

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中國政府對香港問題的一貫立場是，香港問題是中國的內政，不容任何外國干涉。香港回歸祖國後，中國政府對香港的基本方針是「一國兩制」，保持香港的繁榮穩定，維護香港的自治。中國政府對香港問題的一貫立場是，香港問題是中國的內政，不容任何外國干涉。香港回歸祖國後，中國政府對香港的基本方針是「一國兩制」，保持香港的繁榮穩定，維護香港的自治。

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4 http://english.www.gov.cn/archive/lawsregulations/201911/20/content_WS5ed8856ec6d0b3f0e9499913.html

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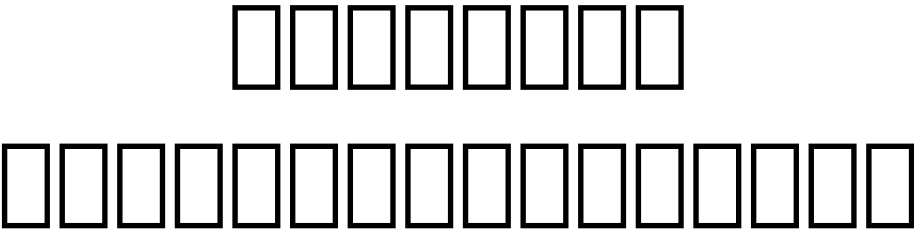
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本報告書の作成に当たって、関係者との協議、調査、検討等を通じて、
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⁹ William, Perspectives on IL, *supra* note 1, p.35; Budislav Vukas and Trpimir M. Sosic, International Law: New Actors, New Concepts Continuing Dilemmas (Budislav, IL), 2010, p. 381, [www.budislav.com/budislav-il.htm](#), (Budislav IL), [www.budislav.com](#)

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11 <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml>

¹² Budislav, II, *supra* note 23, p. 99.

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- **राष्ट्रसुरा (National security)**
- **राष्ट्रिय स्वायत्तता (National Autonomy)**
- **जनसुख (People's welfare)**
- **राष्ट्रिय प्रतिष्ठा (Status and Prestige)**

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0- Long residence abroad

0- _____ (By renunciation) _____

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国籍法 (Nationality Act) により、¹⁷

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- Territorial space
- Maritime space
- Air space

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¹⁷ <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0030001>

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QUESTION

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- XXXXXXXXXX Warsaw (Vasovie) XXXXXX
- XXXXXXXXXX Chicago XXXXXX

国際民間航空機関（International Civil Aviation Organization (ICAO)）は、航空の安全と保安を確保し、航空の発展を促進することを目的として、1944年に設立された国際的な組織である。ICAOは、航空の安全と保安に関する国際的な基準と手続（SARPs）を制定し、加盟国に遵守を要する。ICAOは、航空の安全と保安に関する国際的な基準と手続（SARPs）を制定し、加盟国に遵守を要する。ICAOは、航空の安全と保安に関する国際的な基準と手続（SARPs）を制定し、加盟国に遵守を要する。

Navigation) (Aerial

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UNCLOS (United Nations Conference on the Law of the Sea)

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中國共產黨在 1949 年 10 月 1 日宣佈成立，從此中國進入了一個新的歷史時期。在黨的領導下，中國人民在經濟、政治、文化等各個領域取得了長足的進步。黨的領導是中國發展穩定的根本保證，也是中國人民幸福安康的根本保證。我們堅信，在黨的領導下，中國人民一定能夠創造更加美好的未來。

ROC 曲線圖顯示了模型在測試集上的性能。ROC 曲線圖展示了模型在測試集上的性能，其曲線位於對角線之上，表明模型具有較好的分類能力。ROC 曲線圖展示了模型在測試集上的性能，其曲線位於對角線之上，表明模型具有較好的分類能力。

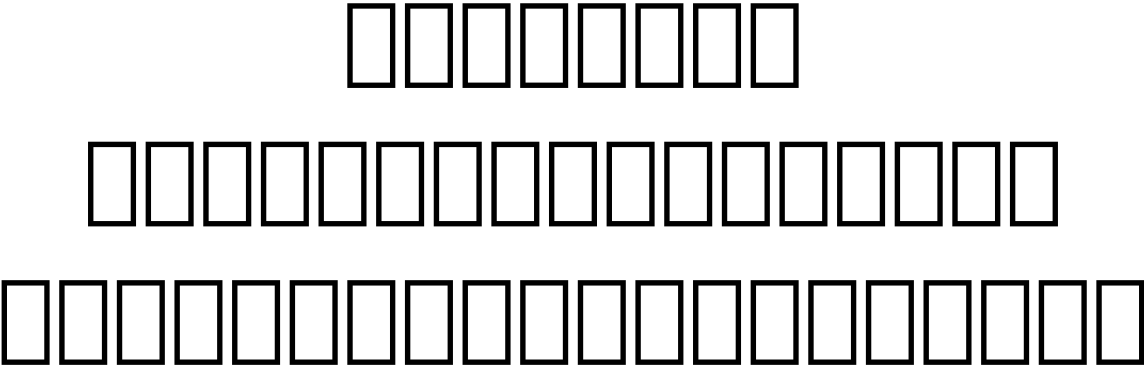
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中華民國政府遷台後，在臺灣地區實行一黨獨大的威權統治，由中國國民黨（Kuomintang）長期執政。當時的政府被批評為「威權政府」，缺乏民主自由。然而，隨著國際形勢的變化，特別是冷戰結束，民主化浪潮席卷全球，臺灣也開始了民主化進程。1986年，蔣經國總統在「國父遺教」下，宣布解除戒嚴，開放黨禁，允許多黨競爭。隨後，民主進步黨（DPP）等反對黨崛起，並在1996年首次總統大選中，由連戰（KMT）和宋楚瑜（DPP）展開激烈競爭。最終，宋楚瑜以微弱優勢當選，標誌著臺灣正式進入民主時代。此後，臺灣的民主制度不斷鞏固，成為亞洲民主的典範。

國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響 DPP 國際社會對台灣民主的評價與影響 KMT 國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響<sup>28</sup>

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<sup>28</sup> 國際社會對台灣民主的評價與影響 [https://www.taiwan.gov.tw/content\\_4.php](https://www.taiwan.gov.tw/content_4.php) 國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響 國際社會對台灣民主的評價與影響



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<sup>29</sup> 参考 [https://encyclopedia.1914-1918-online.net/article/post-war\\_economies\\_east\\_central\\_europe#:~:text=After%20World%20War%20I%2C%20five,Latvia%2C%20Lithuania%2C%20and%20Poland](https://encyclopedia.1914-1918-online.net/article/post-war_economies_east_central_europe#:~:text=After%20World%20War%20I%2C%20five,Latvia%2C%20Lithuania%2C%20and%20Poland) 参考 <https://www.britannica.com/story/25th-anniversary-of-the-end-of-the-soviet-union> 参考 参考 参考 参考

30 [https://peacemaker.un.org/sites/peacemaker.un.org/files/KH-LA-VN\\_540720\\_GenevaAgreements.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KH-LA-VN_540720_GenevaAgreements.pdf)





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1. 本報告係根據本公司及子公司之財務資料及相關資料，並參考獨立會計師事務所之審計報告，由本公司董事會及監察人共同編製。

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中華民國憲法及增修條文之解釋與適用，應以保障人民基本權利為宗旨。凡人民之基本權利，非經法律不得限制之。法律之限制，應以法律保留原則為前提，且不得逾越必要之範圍。此項原則，係指國家欲限制人民之基本權利時，必須有法律之授權，且該法律之限制，必須是為了達成重要之公益目的，且手段必須是必要且適當的。此項原則，在憲法上具有極高之地位，為保障人民基本權利之重要原則。

1.1.1 中華民國憲法及增修條文之解釋與適用，應以保障人民基本權利為宗旨。

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Diagram illustrating a sequence of 30 boxes arranged in two rows. The top row contains 15 boxes, and the bottom row contains 15 boxes. The boxes are numbered 1 through 30. The first row contains boxes 1 to 15, and the second row contains boxes 16 to 30. The boxes are arranged in a staggered pattern, with the second row starting under the second box of the first row.

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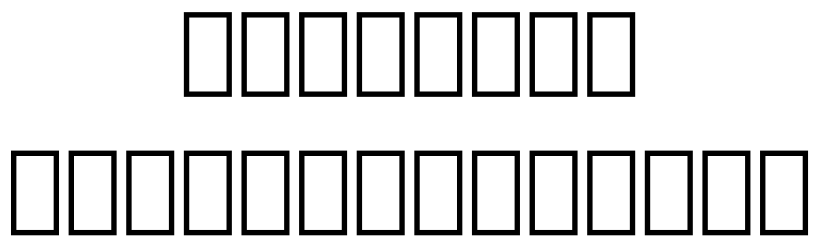
1. 本會為辦理各項業務，得向政府、民間團體、企業、學校、社會大眾等募集資金，並得向政府、民間團體、企業、學校、社會大眾等募集物資。

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1. 本報告係根據「證券管理委員會」之規定，由本公司董事會及監察人共同編製，並經會計師查核簽證，其內容如有虛偽、隱匿或重大錯誤，本公司董事會及監察人將依法負法律上之責任。



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Diagram illustrating the decomposition of a 40-bit integer into two 20-bit halves. The top row shows a 40-bit integer with a vertical line in the middle. The bottom row shows two 20-bit integers, each with a vertical line in the middle, and a small '40' with a vertical line below it.

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本報告係根據「個人資料保護法」及「個人資料保護法施行細則」之規定，  
 由本會自行蒐集、整理、分析、彙整而成，其內容係屬本會之內部資料，  
 除供本會內部參考外，並供社會大眾參考，其內容如有錯誤，概與本會無  
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<sup>40</sup> <http://www.freshnewsasia.com.html>

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<sup>41</sup> <https://www.boca.gov.tw/cp-220-6110-a3137-2.html>

42 中華民國政府 [https://www.taiwan.gov.tw/content\\_3.php](https://www.taiwan.gov.tw/content_3.php) 臺灣政府 臺灣政府 臺灣政府

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The following information was obtained from the records of the Department of Health and Human Services, Office of Inspector General, regarding the activities of the American Medical Association (the Senate Act) and the American Medical Association's efforts to influence the implementation of the Affordable Care Act.

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<sup>47</sup> 田中 重雄, 『国際公法論』 (有斐閣)

Public International Law







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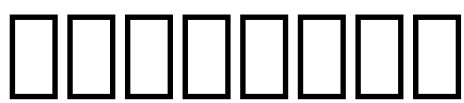


### 附錄一

本報告係根據財政部所屬各機關、團體、事業及有關資料彙編而成，其內容之真實性、準確性，均由各該機關、團體、事業負責，本報告僅供參考，不得作為其他用途。

本報告之編纂，係由財政部所屬各機關、團體、事業及有關資料彙編而成，其內容之真實性、準確性，均由各該機關、團體、事業負責，本報告僅供參考，不得作為其他用途。

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國際公法/國際法學概論 國際法

- 中華人民共和國憲法 (Constitution of the People's Republic of China)
- 中華民國國家法 (Taiwan Nationality Act, Category: Ministry of the Interior, Amended Date: 15/12/2021)

中華民國國家法 (Taiwan Nationality Act, Category: Ministry of the Interior, Amended Date: 15/12/2021)

國際公法/國際法學概論 國際法

- 蒙特維多公約 Montevideo Convention on the Rights and Duties of States
- 日內瓦公約 (Geneva Agreements 20-21 July 1954, Agreement on the Cessation of Hostilities in Viet-Nam 20 July 1954)

日內瓦公約 (Geneva Agreements 20-21 July 1954, Agreement on the Cessation of Hostilities in Viet-Nam 20 July 1954)

• 聯合國大會第二十六屆會議通過的「恢復中華人民共和國在聯合國的合法權利」決議案 General Assembly-Twenty-sixth Session of Restoration of the lawful rights of the People's Republic of China in the United Nations

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- 國際公法-國際法學概論 國際法, 國際公法學 國際公法學概論
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(Law & Regulations Database of The Republic of China)

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- 挪威大學 UNIVERSITY OF OSLO <https://www.uio.no/english/>

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1914-1918-Online

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- 大英百科 Britannica <https://www.britannica.com>

- 聯合國 United Nations Digital Library [https://digitallibrary.un.org/?](https://digitallibrary.un.org/?ln=en)

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- 路透社 Reuter <https://www.reuters.com/>

- 中華民國

Fresh

News

<https://www.freshnewsasia.com/index.php/en/>

- 中華民國 <https://dap-news.com>

- 美國 CNN Breaking News <https://edition.cnn.com/world>

- 中華民國

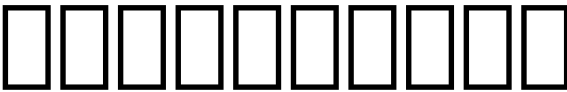
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<https://www.theaustralian.com.au>





□. 中華人民共和國憲法 Constitution of the People's Republic of China

□. 國際法與國際關係學概論 國際法 國際關係 國際法與國際關係學概論

□. 國際法與國際關係學概論 (國際法與國際關係學概論)

□. MOFA to release new version of e-passport as of January 11, 2021 (Press Release no. 283)

□. 聯合國大會第二十六屆會議 United Nations General Assembly Twenty-sixth session

中华人民共和国

宪法

Constitution of the People's Republic  
of China



# Constitution of the People's Republic of China

Updated: November 20, 2019 16:25 npc.gov.cn

## Constitution of the People's Republic of China

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated by the Announcement of the National People's Congress on December 4, 1982; amended in accordance with the *Amendment to the Constitution of the People's Republic of China* adopted at the First Session of the Seventh National People's Congress on April 12, 1988, the *Amendment to the Constitution of the People's Republic of China* adopted at the First Session of the Eighth National People's Congress on March 29, 1993, the *Amendment to the Constitution of the People's Republic of China* adopted at the Second Session of the Ninth National People's Congress on March 15, 1999, the *Amendment to the Constitution of the People's Republic of China* adopted at the Second Session of the Tenth National People's Congress on March 14, 2004, and the *Amendment to the Constitution of the People's Republic of China* adopted at the First Session of the Thirteenth National People's Congress on March 11, 2018)

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## Preamble

China is one of the countries with the longest histories in the world. The Chinese people of all ethnic groups jointly created its magnificent culture and have a proud revolutionary tradition.

After 1840, feudal China gradually became a semi-colonial, semi-feudal country. The Chinese people, wave upon wave, waged heroic struggles for national independence and liberation and for democracy and freedom.

In the 20th century, momentous historical changes took place in China.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. However, the historic mission of the Chinese people to oppose imperialism and feudalism was not yet accomplished.

In 1949, after engaging in protracted, arduous and tortuous struggles, armed and in other forms, the Chinese people of all ethnic groups led by the Communist Party of China with Chairman Mao Zedong as its leader finally overthrew the rule of imperialism, feudalism and bureaucrat-capitalism, won a great victory in the New Democratic Revolution, and founded the People's Republic of China. The Chinese people thus secured power and became masters of their own country.

After the founding of the People's Republic of China, our country gradually achieved the transition from a new democratic society to a socialist society. The socialist transformation of private ownership of the means of production has been completed, the system of exploitation of man by man abolished, and a socialist system established. The people's democratic dictatorship led by the working class and based on an alliance of workers and peasants, which in essence is a dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist aggression, sabotage and armed provocations, safeguarded national independence and security, and strengthened national defense. Major achievements have been made in economic development. An independent and relatively complete socialist industrial system has now basically been established, and agricultural output has markedly increased. Significant advances have been made in education, science, culture and other fields, and education about socialist thought has made notable progress. The lives of the people have been considerably improved.

Both the victory in China's New Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all ethnic groups under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought by upholding truth, correcting errors, and surmounting many difficulties and obstacles. Our country will long remain in the primary stage of socialism. The fundamental task for our country is to concentrate on achieving socialist modernization along the road of socialism with Chinese characteristics. We the Chinese people of all ethnic groups will continue, under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on Development and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, to uphold the people's democratic dictatorship, stay on the socialist road, carry out reform and opening up, steadily improve the socialist institutions, develop the socialist market economy and socialist democracy, improve socialist rule of law, apply the new development philosophy, and work hard in a spirit of self-reliance to modernize step by step the country's industry, agriculture, national defense, and science and technology and promote coordinated material, political, cultural-ethical, social and ecological advancement, in order to build China into a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious and beautiful, and realize the great rejuvenation of the Chinese nation.

In our country the exploiting class, as a class, has been eliminated, but class struggle will continue to exist within a certain scope for a long time to come. The people of China must fight against those domestic and foreign forces and elements that are hostile to and undermine our country's socialist system.

**Taiwan is part of the sacred territory of the People's Republic of China. It is the sacred duty of all the Chinese people, including our fellow Chinese in Taiwan, to achieve the great reunification of the motherland.**

The cause of building socialism must rely on workers, peasants and intellectuals and unite all forces that can be united. Through the long process of revolution, development and reform, a broad patriotic united front has formed under the

leadership of the Communist Party of China, with the participation of other political parties and people's organizations and including all socialist working people, people involved in building socialism, patriots who support socialism, and patriots who support China's reunification and are dedicated to the rejuvenation of the Chinese nation. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference is a broadly representative organization of the united front, and has played a significant historical role. In the future, it will play an even more important role in the country's political and social life and its friendly foreign activities, in socialist modernization and in safeguarding the unity and solidarity of the country. The system of multiparty cooperation and political consultation under the leadership of the Communist Party of China will continue and develop long into the future.

The People's Republic of China is a unified multiethnic state founded by the Chinese people of all ethnic groups. Socialist ethnic relations of equality, unity, mutual assistance and harmony are established and will continue to be strengthened. In the struggle to safeguard ethnic unity, we should oppose major ethnic group chauvinism, which mainly refers to Han chauvinism, and local ethnic chauvinism. The state makes every effort to promote the shared prosperity of all the country's ethnic groups.

The achievements of China's revolution, development and reform would have been impossible without the support of the world's people. The future of China is closely bound up with the future of the world. China pursues an independent foreign policy, observes the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in internal affairs, equality and mutual benefit, and peaceful coexistence, keeps to a path of peaceful development, follows a mutually beneficial strategy of opening up, works to develop diplomatic relations and economic and cultural exchanges with other countries, and promotes the building of a human community with a shared future. China consistently opposes imperialism, hegemonism and colonialism, works to strengthen its solidarity with the people of all other countries, supports oppressed peoples and other developing countries in their just struggles to win and safeguard their independence and develop their economies, and strives to safeguard world peace and promote the cause of human progress.

This Constitution affirms, in legal form, the achievements of the struggles of the Chinese people of all ethnic groups and stipulates the fundamental system and task of the state. It is the fundamental law of the state and has supreme legal force. The people of all ethnic groups, all state organs and armed forces, all political parties and social organizations, and all enterprises and public institutions in the country must treat the Constitution as the fundamental standard of conduct; they have a duty to uphold the sanctity of the Constitution and ensure its compliance.

## **Chapter I**

### **General Principles**

**Article 1** The People's Republic of China is a socialist state governed by a people's democratic dictatorship that is led by the working class and based on an alliance of workers and peasants.

The socialist system is the fundamental system of the People's Republic of China. Leadership by the Communist Party of China is the defining feature of socialism with Chinese characteristics. It is prohibited for any organization or individual to damage the socialist system.

**Article 2** All power in the People's Republic of China belongs to the people.

The organs through which the people exercise state power are the National People's Congress and the local people's congresses at all levels.

The people shall, in accordance with the provisions of law, manage state affairs, economic and cultural undertakings, and social affairs through various channels and in various ways.

**Article 3** The state institutions of the People's Republic of China shall practice the principle of democratic centralism.

The National People's Congress and the local people's congresses at all levels shall be created through democratic election and

shall be responsible to the people and subject to their oversight.

All administrative, supervisory, adjudicatory and procuratorial organs of the state shall be created by the people's congresses and shall be responsible to them and subject to their oversight.

The division of functions and powers between the central and local state institutions shall honor the principle of giving full play to the initiative and motivation of local authorities under the unified leadership of the central authorities.

**Article 4** All ethnic groups of the People's Republic of China are equal. The state shall protect the lawful rights and interests of all ethnic minorities and uphold and promote relations of equality, unity, mutual assistance and harmony among all ethnic groups. Discrimination against and oppression of any ethnic group are prohibited; any act that undermines the unity of ethnic groups or creates divisions among them is prohibited.

The state shall, in light of the characteristics and needs of all ethnic minorities, assist all ethnic minority areas in accelerating their economic and cultural development.

All areas inhabited by ethnic minorities shall practice regional autonomy, establish autonomous organs, and exercise the power to self-govern. All ethnic autonomous areas are inseparable parts of the People's Republic of China.

All ethnic groups shall have the freedom to use and develop their own spoken and written languages and to preserve or reform their own traditions and customs.

**Article 5** The People's Republic of China shall practice law-based governance and build a socialist state under the rule of law.

The state shall safeguard the unity and sanctity of the socialist legal system.

No law, administrative regulation or local regulation shall be in conflict with the Constitution.

All state organs and armed forces, all political parties and social organizations, and all enterprises and public institutions must abide by the Constitution and the law. Accountability must be enforced for all acts that violate the Constitution or laws.

No organization or individual shall have any privilege beyond the Constitution or the law.

**Article 6** The foundation of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, that is, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership has eradicated the system of exploitation of man by man, and practices the principle of "from each according to his ability, to each according to his work."

In the primary stage of socialism, the state shall uphold a fundamental economic system under which public ownership is the mainstay and diverse forms of ownership develop together, and shall uphold an income distribution system under which distribution according to work is the mainstay, while multiple forms of distribution exist alongside it.

**Article 7** The state sector of the economy, that is, the sector of the socialist economy under ownership by the whole people, shall be the leading force in the economy. The state shall ensure the consolidation and development of the state sector of the economy.

**Article 8** Rural collective economic organizations shall practice a two-tiered system of both unified and separate operations with household contract management as its basis. Rural economic cooperatives — producer, supply and marketing, credit and consumer cooperatives — are part of the socialist economy under collective ownership by the working people. Working people who belong to rural collective economic organizations shall have the right, within the scope prescribed by law, to farm cropland and hillsides allotted to them for their private use, engage in household sideline production, and raise privately owned livestock.

The various forms of cooperative economic activities in cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, shall all be part of the socialist economy under collective ownership by the working people.

The state shall protect the lawful rights and interests of urban and rural collective economic organizations and shall

encourage, guide and assist the growth of the collective sector of the economy.

**Article 9** All mineral resources, waters, forests, mountains, grasslands, unreclaimed land, mudflats and other natural resources are owned by the state, that is, by the whole people, except for the forests, mountains, grasslands, unreclaimed land and mudflats that are owned by collectives as prescribed by law.

The state shall ensure the rational use of natural resources and protect rare animals and plants. It is prohibited for any organization or individual to seize or damage natural resources by any means.

**Article 10** Land in cities is owned by the state.

Land in rural and suburban areas is owned by collectives except for that which belongs to the state as prescribed by law; housing sites and cropland and hillsides allotted for private use are also owned by collectives.

The state may, in order to meet the demands of the public interest and in accordance with the provisions of law, expropriate or requisition land and furnish compensation.

No organization or individual shall unlawfully transfer land through seizure, sale and purchase, or in any other form. Land-use rights may be transferred in accordance with the provisions of law.

All organizations and individuals using land must use it in an appropriate manner.

**Article 11** Non-public economic sectors that are within the scope prescribed by law, such as individually owned and private businesses, are an important component of the socialist market economy.

The state shall protect the lawful rights and interests of non-public economic sectors such as individually owned and private businesses. The state shall encourage, support and guide the development of non-public economic sectors and exercise oversight and regulation over non-public economic sectors in accordance with law.

**Article 12** Socialist public property is sacred and inviolable.

The state shall protect socialist public property. It is prohibited for any organization or individual to seize or damage state or collective property by any means.

**Article 13** Citizens' lawful private property is inviolable.

The state shall protect the right of citizens to own and inherit private property in accordance with the provisions of law.

The state may, in order to meet the demands of the public interest and in accordance with the provisions of law, expropriate or requisition citizens' private property and furnish compensation.

**Article 14** The state shall continually raise labor productivity and improve economic performance to develop productive forces by increasing working people's motivation and level of technical skill, promoting advanced science and technology, improving the systems of economic management and enterprise operation and management, practicing different forms of socialist responsibility system and improving the organization of work.

The state shall practice strict economy and combat waste.

The state shall appropriately handle accumulation and consumption, give due consideration at once to the interests of the state, collectives and individuals and, based on the development of production, gradually improve the material and cultural wellbeing of the people.

The state shall establish a sound social security system compatible with the level of economic development.

**Article 15** The state shall practice a socialist market economy.

The state shall strengthen economic legislation and improve macro regulation.

The state shall, in accordance with law, prohibit disruption of the socioeconomic order by any organization or individual.



**Article 16** State-owned enterprises shall, within the scope prescribed by law, have the right to operate autonomously.

State-owned enterprises shall, in accordance with the provisions of law, practice democratic management through employee congresses and other means.

**Article 17** Collective economic organizations shall, on the condition that they abide by relevant laws, have the autonomy to independently conduct economic activities.

Collective economic organizations shall practice democratic management and shall, in accordance with the provisions of law, elect and remove their management personnel and decide on major issues concerning their operations and management.

**Article 18** The People's Republic of China shall permit foreign enterprises, other economic organizations and individuals, to invest in China and to enter into various forms of economic cooperation with Chinese enterprises or other economic organizations in accordance with the provisions of law of the People's Republic of China.

All foreign enterprises, other foreign economic organizations and Chinese-foreign joint ventures in the territory of China shall abide by the law of the People's Republic of China. Their lawful rights and interests shall be protected by the law of the People's Republic of China.

**Article 19** The state shall develop socialist education to raise the scientific and cultural level of the whole nation.

The state shall run schools of all types, provide universal compulsory primary education, develop secondary, vocational and higher education, and also develop preschool education.

The state shall develop different types of educational facilities, eliminate illiteracy, provide political, cultural, scientific, technical and field-specific education for workers, peasants, state employees and other working people, and encourage people to become accomplished individuals through self-study.

The state shall encourage collective economic organizations, state enterprises, public institutions and other social actors to run education programs of various types in accordance with the provisions of law.

The state shall promote the common speech — putonghua — used nationwide.

**Article 20** The state shall develop the natural and social sciences, disseminate scientific and technological knowledge, and commend and award research achievements and technological discoveries and inventions.

**Article 21** To protect the people's health, the state shall develop medical and health care, develop modern medicine and traditional Chinese medicine, encourage and support the running of various medical and health facilities by rural collective economic organizations, state enterprises, public institutions and neighborhood organizations, and promote public health activities.

To improve the people's physical fitness, the state shall develop sports and promote public sports activities.

**Article 22** The state shall develop art and literature, the press, radio and television broadcasting, publishing, libraries, museums and cultural centers, and other cultural undertakings that serve the people and socialism; and shall promote public cultural activities.

The state shall protect places of scenic beauty and historical interest, valuable cultural relics and other forms of important historical and cultural heritage.

**Article 23** The state shall train all kinds of specialized personnel to serve socialism, expand the ranks of intellectuals, and create the conditions for giving full play to their role in socialist modernization.

**Article 24** The state shall promote socialist cultural-ethical advancement through widely accessible education on ideals, morality, culture, discipline and law, and through the formulation and observance of different forms of rules of conduct and public pledges among different urban and rural populations.

The state shall champion core socialist values; advocate the civic virtues of love for the motherland, for the people, for work,

for science and for socialism; educate the people in patriotism and collectivism, in internationalism and communism, and in dialectical and historical materialism; and combat capitalist, feudal and other forms of decadent thought.

**Article 25** The state shall promote family planning to see that population growth is consistent with economic and social development plans.

**Article 26** The state shall protect and improve living environments and the ecological environment, and prevent and control pollution and other public hazards.

The state shall organize and encourage afforestation and protect forests.

**Article 27** All state organs shall practice the principle of lean and efficient administration, a work responsibility system, and a system of employee training and evaluation in order to keep improving the quality and efficiency of their work and combat bureaucratism.

All state organs and state employees must rely on the support of the people, stay engaged with them, listen to their opinions and suggestions, accept their oversight, and work hard to serve them.

State employees, when assuming office, should make a public pledge of allegiance to the Constitution in accordance with the provisions of law.

**Article 28** The state shall maintain public order, suppress treason and other criminal activities that jeopardize national security, punish criminal activities, including those that endanger public security or harm the socialist economy, and punish and reform criminals.

**Article 29** The armed forces of the People's Republic of China belong to the people. Their missions are to strengthen national defense, resist aggression, defend the motherland, safeguard the people's peaceful work, participate in national development, and work hard to serve the people.

The state shall make the armed forces more revolutionary, more modernized and better regulated in order to strengthen national defense capabilities.

**Article 30** The administrative areas of the People's Republic of China shall be delineated as follows:

- (1) The country consists of provinces, autonomous regions and cities directly under central government jurisdiction;
- (2) Provinces and autonomous regions consist of autonomous prefectures, counties, autonomous counties and cities; and
- (3) Counties and autonomous counties consist of townships, ethnic townships and towns.

Cities directly under central government jurisdiction and other large cities consist of districts and counties. Autonomous prefectures consist of counties, autonomous counties and cities.

All autonomous regions, autonomous prefectures and autonomous counties are ethnic autonomous areas.

**Article 31** The state may establish special administrative regions when necessary. The systems instituted in special administrative regions shall, in light of specific circumstances, be prescribed by laws enacted by the National People's Congress.

**Article 32** The People's Republic of China shall protect the lawful rights and interests of foreigners in the territory of China; foreigners in the territory of China must abide by the law of the People's Republic of China.

The People's Republic of China may grant asylum to foreigners who request it on political grounds.

## Chapter II

### Fundamental Rights and Obligations of Citizens

**Article 33** All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

The state shall respect and protect human rights.

Every citizen shall enjoy the rights prescribed by the Constitution and the law and must fulfill the obligations prescribed by the Constitution and the law.

**Article 34** All citizens of the People's Republic of China who have reached the age of 18, regardless of ethnicity, race, gender, occupation, family background, religious belief, level of education, property status or length of residence, shall have the right to vote and stand for election; persons deprived of political rights in accordance with law shall be an exception.

**Article 35** Citizens of the People's Republic of China shall enjoy freedom of speech, the press, assembly, association, procession and demonstration.

**Article 36** Citizens of the People's Republic of China shall enjoy freedom of religious belief.

No state organ, social organization or individual shall coerce citizens to believe in or not to believe in any religion, nor shall they discriminate against citizens who believe in or do not believe in any religion.

The state shall protect normal religious activities. No one shall use religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the state's education system.

Religious groups and religious affairs shall not be subject to control by foreign forces.

**Article 37** The personal freedom of citizens of the People's Republic of China shall not be violated.

No citizen shall be arrested unless with the approval or by the decision of a people's procuratorate or by the decision of a people's court, and arrests must be made by a public security organ.

Unlawful detention, or the unlawful deprivation or restriction of a citizen's personal freedom by other means, is prohibited; the unlawful search of a citizen's person is prohibited.

**Article 38** The personal dignity of citizens of the People's Republic of China shall not be violated. It is prohibited to use any means to insult, libel or falsely accuse citizens.

**Article 39** The homes of citizens of the People's Republic of China are inviolable. The unlawful search of or unlawful intrusion into a citizen's home is prohibited.

**Article 40** Freedom and confidentiality of correspondence of citizens of the People's Republic of China shall be protected by law. Except in cases necessary for national security or criminal investigation, when public security organs or procuratorial organs shall examine correspondence in accordance with procedures prescribed by law, no organization or individual shall infringe on a citizen's freedom and confidentiality of correspondence for any reason.

**Article 41** Citizens of the People's Republic of China shall have the right to criticize and make suggestions regarding any state organ or state employee, and have the right to file with relevant state organs complaints, charges or reports against any state organ or state employee for violations of the law or dereliction of duty, but they shall not fabricate or distort facts to make false accusations.

The state organ concerned must ascertain the facts concerning the complaints, charges or reports made by citizens and take responsibility for their handling. No one shall suppress such complaints, charges or reports or take retaliatory action.

Persons who have suffered losses resulting from infringement of their civil rights by any state organ or state employee shall have the right to receive compensation in accordance with the provisions of law.

**Article 42** Citizens of the People's Republic of China shall have the right and the obligation to work.

The state shall, in various ways, create employment opportunities, strengthen worker protections, improve working conditions and, based on the development of production, increase remuneration for work and work-related benefits.

Work is an honorable duty for every citizen who is able to work. All working people in state-owned enterprises and in urban and rural collective economic organizations should approach their own work as masters of their country. The state shall encourage socialist work contests and commend and award model workers and advanced workers. The state shall encourage citizens to participate in voluntary work.

The state shall provide necessary pre-employment training for its citizens.

**Article 43** Working people in the People's Republic of China shall have the right to rest.

The state shall develop rest and recuperation facilities for working people and stipulate systems for employee working hours and vacations.

**Article 44** The state shall, in accordance with the provisions of law, implement a retirement system for employees of enterprises, public institutions and state organs. The livelihood of retirees shall be ensured by the state and society.

**Article 45** Citizens of the People's Republic of China shall have the right to material assistance from the state and society when they are aged, ill or have lost the capacity to work. The state shall develop the social insurance, social relief, and medical and health services necessary for citizens to enjoy this right.

The state and society shall guarantee the livelihood of disabled military personnel, provide pensions to the families of martyrs, and give preferential treatment to the family members of military personnel.

The state and society shall assist arrangements for the work, livelihood and education of citizens who are blind, deaf, mute or have other disabilities.

**Article 46** Citizens of the People's Republic of China shall have the right and the obligation to receive education.

The state shall foster the all-round moral, intellectual and physical development of young adults, youths and children.

**Article 47** Citizens of the People's Republic of China shall enjoy the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. The state shall encourage and assist creative work that is beneficial to the people of citizens engaged in education, science, technology, literature, art and other cultural activities.

**Article 48** Women in the People's Republic of China shall enjoy equal rights with men in all spheres of life: political, economic, cultural, social and familial.

The state shall protect the rights and interests of women, implement a system of equal pay for equal work, and train and select female officials.

**Article 49** Marriage, families, mothers and children shall be protected by the state.

Both husband and wife shall have the obligation to practice family planning.

Parents shall have the obligation to raise and educate their minor children; adult children shall have the obligation to support and assist their parents.

Infringement of the freedom of marriage is prohibited; mistreatment of senior citizens, women and children is prohibited.

**Article 50** The People's Republic of China shall protect the legitimate rights and interests of Chinese nationals overseas as well as the lawful rights and interests of Chinese nationals who have returned from overseas and of the family members in China of Chinese nationals overseas.

**Article 51** When exercising their freedoms and rights, citizens of the People's Republic of China shall not undermine the interests of the state, society or collectives, or infringe upon the lawful freedoms and rights of other citizens.

**Article 52** Citizens of the People's Republic of China shall have the obligation to safeguard national unity and the solidarity

of all the country's ethnic groups.

**Article 53** Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property, observe discipline in the workplace, observe public order, and respect social morality.

**Article 54** Citizens of the People's Republic of China shall have the obligation to safeguard the security, honor and interests of the motherland; they must not behave in any way that endangers the motherland's security, honor or interests.

**Article 55** It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is an honorable obligation of citizens of the People's Republic of China to perform military service or join the militia in accordance with law.

**Article 56** Citizens of the People's Republic of China shall have the obligation to pay taxes in accordance with law.

### Chapter III

#### State Institutions

##### Section 1

##### The National People's Congress

**Article 57** The National People's Congress of the People's Republic of China is the highest state organ of power. Its permanent organ is the National People's Congress Standing Committee.

**Article 58** The National People's Congress and the National People's Congress Standing Committee exercise the legislative power of the state.

**Article 59** The National People's Congress shall be composed of deputies elected from the provinces, autonomous regions, cities directly under central government jurisdiction, special administrative regions and armed forces. All ethnic minorities should have an appropriate number of deputies.

The election of deputies to the National People's Congress shall be presided over by the National People's Congress Standing Committee.

The number of deputies to the National People's Congress and the procedures for their election shall be prescribed by law.

**Article 60** Each National People's Congress shall have a term of five years.

The National People's Congress Standing Committee must complete the election of deputies to the next National People's Congress two months prior to the completion of the term of office of the current National People's Congress. If extraordinary circumstances prevent an election from going ahead, the election may be postponed and the term of office of the current National People's Congress may be extended by a resolution supported by at least two-thirds of the members of the current National People's Congress Standing Committee. The election of deputies to the next National People's Congress must be completed within one year of said extraordinary circumstances coming to an end.

**Article 61** A session of the National People's Congress shall be held once every year and shall be convened by the National People's Congress Standing Committee. If the National People's Congress Standing Committee deems it necessary, or one-fifth or more of National People's Congress deputies so propose, a session of the National People's Congress may be convened in the interim.

When the National People's Congress holds a session, it shall elect a presidium to conduct that session.

**Article 62** The National People's Congress shall exercise the following functions and powers:

- (1) amending the Constitution;
- (2) overseeing the enforcement of the Constitution;
- (3) enacting and amending criminal, civil, state institutional and other basic laws;
- (4) electing the president and the vice president of the People's Republic of China;
- (5) deciding, based on nomination by the president of the People's Republic of China, on the successful candidate for the premier of the State Council; deciding, based on nominations by the premier of the State Council, on the successful candidates for vice premiers, state councilors, ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council;
- (6) electing the chairperson of the Central Military Commission and deciding, based on nominations by the chairperson of the Central Military Commission, on the successful candidates for other members of the Central Military Commission;
- (7) electing the chairperson of the National Commission of Supervision;
- (8) electing the president of the Supreme People's Court;
- (9) electing the procurator general of the Supreme People's Procuratorate;
- (10) reviewing and approving the plan for national economic and social development and the report on its implementation;
- (11) reviewing and approving the state budget and the report on its implementation;
- (12) changing or revoking inappropriate decisions of the National People's Congress Standing Committee;
- (13) approving the establishment of provinces, autonomous regions and cities directly under central government jurisdiction;
- (14) deciding on the establishment of special administrative regions and the systems to be instituted there;
- (15) deciding on issues concerning war and peace; and
- (16) other functions and powers that the highest state organ of power should exercise.

**Article 63** The National People's Congress shall have the power to remove from office the following personnel:

- (1) the president and the vice president of the People's Republic of China;
- (2) the premier, vice premiers, state councilors, ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council;
- (3) the chairperson of the Central Military Commission and other members of the Central Military Commission;
- (4) the chairperson of the National Commission of Supervision;
- (5) the president of the Supreme People's Court; and
- (6) the procurator general of the Supreme People's Procuratorate.

**Article 64** Amendments to the Constitution must be proposed by the National People's Congress Standing Committee or by one-fifth or more of National People's Congress deputies and be adopted by a vote of at least two-thirds of National People's Congress deputies.

Laws and other proposals shall be adopted by a majority vote of the National People's Congress deputies.

**Article 65** The National People's Congress Standing Committee shall be composed of the following personnel:

a chairperson,

vice chairpersons,  
a secretary general, and  
members.

There should be an appropriate number of ethnic minority deputies who sit as members on the National People's Congress Standing Committee.

The National People's Congress shall elect, and have the power to remove from office, the members of the National People's Congress Standing Committee.

Members of the National People's Congress Standing Committee shall not hold office in an administrative, supervisory, adjudicatory or procuratorial organ of the state.

**Article 66** Each National People's Congress Standing Committee shall have the same term of office as that of the National People's Congress; it shall exercise its functions and powers until a new Standing Committee is elected by the next National People's Congress.

The chairperson and vice chairpersons of the Standing Committee shall serve no more than two consecutive terms.

**Article 67** The National People's Congress Standing Committee shall exercise the following functions and powers:

- (1) interpreting the Constitution and overseeing its enforcement;
- (2) enacting and amending laws other than those that should be enacted by the National People's Congress;
- (3) when the National People's Congress is out of session, partially supplementing and amending laws enacted by the National People's Congress but without conflicting with the basic principles of those laws;
- (4) interpreting laws;
- (5) when the National People's Congress is out of session, reviewing and approving partial adjustments to the plan for national economic and social development and the state budget that must be made in the course of implementation;
- (6) overseeing the work of the State Council, the Central Military Commission, the National Commission of Supervision, the Supreme People's Court and the Supreme People's Procuratorate;
- (7) revoking administrative regulations, decisions and orders formulated by the State Council that are in conflict with the Constitution or laws;
- (8) revoking local regulations and resolutions formulated by the state organs of power in provinces, autonomous regions and cities directly under central government jurisdiction that are in conflict with the Constitution, laws, or administrative regulations;
- (9) when the National People's Congress is out of session, deciding, based on nominations by the premier of the State Council, on successful candidates for ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council;
- (10) when the National People's Congress is out of session, deciding, based on nominations by the chairperson of the Central Military Commission, on successful candidates for other members of the Central Military Commission;
- (11) appointing or removing, based on recommendations by the chairperson of the National Commission of Supervision, vice chairpersons and members of the National Commission of Supervision;
- (12) appointing or removing, based on recommendations by the president of the Supreme People's Court, vice presidents, judges and Adjudicatory Committee members of the Supreme People's Court, and the president of the Military Court;
- (13) appointing or removing, based on recommendations by the procurator general of the Supreme People's Procuratorate,

deputy procurators general, procurators and Procuratorial Committee members of the Supreme People's Procuratorate, and the chief procurator of the Military Procuratorate; and approving the appointment or removal of chief procurators of the people's procuratorates of provinces, autonomous regions and cities directly under central government jurisdiction;

(14) deciding on the appointment or removal of plenipotentiary representatives abroad;

(15) deciding on the ratification or abrogation of treaties and important agreements concluded with foreign countries;

(16) stipulating systems of titles and ranks for military and diplomatic personnel and other field-specific title and ranking systems;

(17) stipulating national medals and titles of honor and deciding on their conferment;

(18) deciding on the granting of special pardons;

(19) when the National People's Congress is out of session, in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defense against aggression, deciding on declaring a state of war;

(20) deciding on national or local mobilization;

(21) deciding on entering a state of emergency nationwide or in particular provinces, autonomous regions or cities directly under central government jurisdiction; and

(22) other functions and powers accorded to it by the National People's Congress.

**Article 68** The chairperson of the National People's Congress Standing Committee shall preside over the work of the National People's Congress Standing Committee and convene meetings of the National People's Congress Standing Committee. The vice chairpersons and the secretary general shall assist the chairperson in his or her work.

The chairperson, vice chairpersons and the secretary general constitute a Council of Chairpersons, which handles the important day-to-day work of the National People's Congress Standing Committee.

**Article 69** The National People's Congress Standing Committee shall be responsible to the National People's Congress and shall report to the Congress on its work.

**Article 70** The National People's Congress shall establish an Ethnic Affairs Committee, a Constitution and Law Committee, a Financial and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Affairs Committee and such other special committees as are necessary. When the National People's Congress is out of session, all special committees shall work under the leadership of the National People's Congress Standing Committee.

The special committees shall research, discuss and draw up relevant proposals under the leadership of the National People's Congress and the National People's Congress Standing Committee.

**Article 71** When the National People's Congress and the National People's Congress Standing Committee deem it necessary, they may organize investigation committees on specific issues and, based on investigation committee reports, adopt appropriate resolutions.

When an investigation committee is conducting an investigation, all state organs, social organizations and citizens concerned shall have the obligation to provide the committee with the necessary data.

**Article 72** Deputies to the National People's Congress and members of the National People's Congress Standing Committee shall have the power, in accordance with procedures prescribed by law, to submit proposals within the scope of the respective functions and powers of the National People's Congress and the National People's Congress Standing Committee.

**Article 73** Deputies to the National People's Congress, when the Congress is in session, and members of the National People's Congress Standing Committee, when the Standing Committee is meeting, shall have the power, in accordance with procedures prescribed by law, to submit inquiries to the State Council or the ministries and commissions under it. Organs that



receive such inquiries must take responsibility for answering them.

**Article 74** Deputies to the National People's Congress shall not be arrested or placed on criminal trial without the consent of the presidium of the current session of the National People's Congress or, when the Congress is out of session, the consent of the National People's Congress Standing Committee.

**Article 75** The statements and votes of National People's Congress deputies at meetings of the National People's Congress shall not be subject to legal liability.

**Article 76** Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets and, in the production, work and public activities they participate in, assist in the enforcement of the Constitution and the law.

Deputies to the National People's Congress should maintain close contact with the organizations and people that elected them, listen to and convey the opinions and demands of the people, and work hard to serve them.

**Article 77** Deputies to the National People's Congress shall be subject to the oversight of the organizations that elected them. Organizations that have elected deputies shall have the power to remove them from office in accordance with procedures prescribed by law.

**Article 78** The organization and working procedures of the National People's Congress and the National People's Congress Standing Committee shall be prescribed by law.

## Section 2

### The President of the People's Republic of China

**Article 79** The president and the vice president of the People's Republic of China shall be elected by the National People's Congress.

Citizens of the People's Republic of China who have the right to vote and stand for election and who have reached the age of 45 are eligible for election as president or vice president of the People's Republic of China.

The president and the vice president of the People's Republic of China shall have the same term of office as that of the National People's Congress.

**Article 80** The president of the People's Republic of China, pursuant to decisions of the National People's Congress and the National People's Congress Standing Committee, promulgates laws, appoints or removes the premier, vice premiers, state councilors, ministers of ministries, ministers of commissions, the auditor general and the secretary general of the State Council, confers national medals and titles of honor, issues orders of special pardon, declares a state of emergency, declares a state of war, and issues mobilization orders.

**Article 81** The president of the People's Republic of China engages in affairs of state and receives foreign diplomatic envoys on behalf of the People's Republic of China and, pursuant to decisions of the National People's Congress Standing Committee, appoints or recalls plenipotentiary representatives abroad and ratifies or abrogates treaties and important agreements concluded with foreign countries.

**Article 82** The vice president of the People's Republic of China shall assist the president in his or her work.

The vice president of the People's Republic of China may, when so entrusted by the president, exercise part of the functions and powers of the president on his or her behalf.

**Article 83** The president and the vice president of the People's Republic of China shall exercise their functions and powers until the president and the vice president elected by the next National People's Congress assume office.

**Article 84** In the event that the office of president of the People's Republic of China becomes vacant the vice president shall succeed to the office of president.

In the event that the office of vice president of the People's Republic of China becomes vacant the National People's Congress

shall elect a new vice president to fill the vacancy.

In the event that the offices of both president and vice president of the People's Republic of China become vacant the National People's Congress shall elect a new president and a new vice president; prior to their election, the chairperson of the National People's Congress Standing Committee shall temporarily act as the president.

### Section 3 The State Council

**Article 85** The State Council of the People's Republic of China, namely, the Central People's Government, is the executive organ of the highest state organ of power; it is the highest state administrative organ.

**Article 86** The State Council is composed of the following personnel:

a premier,  
vice premiers,  
state councilors,  
ministers of ministries,  
ministers of commissions,  
an auditor general, and  
a secretary general.

The State Council shall practice a premier responsibility system. The ministries and commissions shall each practice a minister responsibility system.

The organization of the State Council shall be prescribed by law.

**Article 87** The State Council shall have the same term of office as that of the National People's Congress.

The premier, vice premiers and state councilors shall serve no more than two consecutive terms.

**Article 88** The premier shall direct the work of the State Council. The vice premiers and state councilors shall assist the premier in his or her work.

The premier, vice premiers, state councilors and the secretary general shall attend State Council executive meetings.

The premier shall convene and preside over State Council executive meetings and State Council plenary meetings.

**Article 89** The State Council shall exercise the following functions and powers:

- (1) stipulating administrative measures, formulating administrative regulations and issuing decisions and orders in accordance with the Constitution and the law;
- (2) submitting proposals to the National People's Congress or the National People's Congress Standing Committee;
- (3) stipulating the missions and responsibilities of the ministries and commissions, exercising unified leadership over their work, and directing national administrative work that does not fall within the responsibilities of the ministries and commissions;
- (4) exercising unified leadership over the work of local state administrative organs at all levels nationwide and stipulating the detailed division of functions and powers between the Central Government and state administrative organs in provinces, autonomous regions and cities directly under central government jurisdiction;
- (5) drawing up and implementing plans for national economic and social development and state budgets;

- (6) directing and managing economic work, urban and rural development and ecological conservation;
- (7) directing and managing education, science, culture, health, sports and family planning work;
- (8) directing and managing work such as civil affairs, public security and judicial administration;
- (9) managing foreign affairs and concluding treaties and agreements with foreign countries;
- (10) directing and managing the development of national defense;
- (11) directing and managing ethnic affairs and protecting the equal rights of ethnic minorities and the power to self-govern of ethnic autonomous areas;
- (12) protecting the legitimate rights and interests of Chinese nationals overseas and protecting the lawful rights and interests of returned overseas Chinese nationals and the family members in China of Chinese nationals overseas;
- (13) changing or revoking inappropriate orders, directives and regulations issued by ministries or commissions;
- (14) changing or revoking inappropriate decisions and orders issued by local state administrative organs at all levels;
- (15) approving the geographic division of provinces, autonomous regions and cities directly under central government jurisdiction and approving the establishment and geographic division of autonomous prefectures, counties, autonomous counties and cities;
- (16) deciding, in accordance with the provisions of law, on entering a state of emergency in parts of provinces, autonomous regions and cities directly under central government jurisdiction;
- (17) reviewing and deciding on the staff size of administrative organs and, in accordance with the provisions of law, appointing or removing, training, evaluating, and awarding or punishing administrative personnel; and
- (18) other functions and powers accorded to it by the National People's Congress and the National People's Congress Standing Committee.

**Article 90** State Council ministers of ministries and ministers of commissions shall be responsible for the work of their departments, and shall convene and preside over ministerial meetings or general and executive commission meetings to discuss and decide on major issues in their departments' work.

Ministries and commissions shall, in accordance with the law and the administrative regulations, decisions and orders of the State Council, issue orders and directives and promulgate regulations within the scope of their authority.

**Article 91** The State Council shall establish an audit office to conduct auditing oversight over the revenue and expenditure of all State Council departments and local governments at all levels, and over the revenue and expenditure of all state financial institutions, enterprises and public institutions.

The audit office shall, under the leadership of the premier of the State Council, independently exercise the power to conduct auditing oversight in accordance with the provisions of law, and shall not be subject to interference from other administrative organs, social organizations or individuals.

**Article 92** The State Council shall be responsible to the National People's Congress and shall report to the Congress on its work; when the National People's Congress is out of session it shall be responsible to the National People's Congress Standing Committee and shall report to the Standing Committee on its work.

#### Section 4 The Central Military Commission

**Article 93** The Central Military Commission of the People's Republic of China shall lead the country's armed forces.

The Central Military Commission is composed of the following personnel:

a chairperson,  
vice chairpersons, and  
members.

The Central Military Commission shall practice a chairperson responsibility system.

The Central Military Commission shall have the same term of office as that of the National People's Congress.

**Article 94** The chairperson of the Central Military Commission shall be responsible to the National People's Congress and the National People's Congress Standing Committee.

## Section 5

### Local People's Congresses at All levels and Local People's Governments at All Levels

**Article 95** Provinces, cities directly under central government jurisdiction, counties, cities, municipal districts, townships, ethnic townships and towns shall establish people's congresses and people's governments.

The organization of local people's congresses at all levels and local people's governments at all levels shall be prescribed by law.

Autonomous regions, autonomous prefectures and autonomous counties shall establish autonomous organs. The organization and work of autonomous organs shall be prescribed by law in accordance with the basic principles laid down in Chapter III sections 5 and 6 of the Constitution.

**Article 96** Local people's congresses at all levels are local state organs of power.

Local people's congresses at and above the county level shall establish standing committees.

**Article 97** Deputies to the people's congresses of provinces, cities directly under central government jurisdiction and cities divided into districts shall be elected by the people's congresses at the next level down; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships and towns shall be directly elected by their constituencies.

The number of deputies to local people's congresses at all levels and the procedures of their election shall be prescribed by law.

**Article 98** Local people's congresses at all levels shall have a term of five years.

**Article 99** Local people's congresses at all levels shall, within their administrative areas, ensure the observance and enforcement of the Constitution, laws and administrative regulations; they shall, according to the authority invested in them as prescribed by law, adopt and issue resolutions, and review and decide on local economic, cultural and public service development plans.

Local people's congresses at and above the county level shall review and approve the economic and social development plans and budgets of their administrative areas as well as reports on their implementation; they shall have the power to change or revoke inappropriate decisions made by their own standing committees.

The people's congresses of ethnic townships may, according to the authority invested in them as prescribed by law, take specific measures suited to ethnic characteristics.

**Article 100** The people's congresses of provinces and cities directly under central government jurisdiction and their standing committees may, provided there is no conflict with the Constitution, laws or administrative regulations, formulate local regulations, which shall be reported to the National People's Congress Standing Committee to be placed on record.

The people's congresses of cities divided into districts and their standing committees may, provided there is no conflict with

the Constitution, laws or administrative regulations, or with the local regulations of their province or autonomous region, formulate local regulations in accordance with the provisions of law, which shall go into force after submission to the standing committee of the people's congress of their province or autonomous region and the receipt of approval.

**Article 101** Local people's congresses shall, at their respective levels, elect and have the power to remove from office governors and deputy governors, mayors and deputy mayors, county heads and deputy heads, municipal district heads and deputy heads, township heads and deputy heads, and town heads and deputy heads.

Local people's congresses at and above the county level shall elect, and have the power to remove from office, chairpersons of the commissions of supervision, presidents of the people's courts and chief procurators of the people's procuratorates at their respective levels. The election or removal of chief procurator of the people's procuratorate must be reported to the chief procurator of the people's procuratorate at the next level up for submission to the standing committee of the people's congress at that level for approval.

**Article 102** Deputies to the people's congresses of provinces, cities directly under central government jurisdiction and cities divided into districts shall be subject to oversight by the organizations that elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, ethnic townships and towns shall be subject to oversight by their constituencies.

The organizations and constituencies that elect deputies to local people's congresses at all levels shall have the power to remove them from office in accordance with procedures prescribed by law.

**Article 103** The standing committees of local people's congresses at and above the county level shall be composed of a chairperson, vice chairpersons and members; they shall be responsible to the people's congresses at their respective levels and shall report to them on their work.

Local people's congresses at and above the county level shall elect, and have the power to remove from office, members of their standing committees.

Members of the standing committee of a local people's congress at or above the county level shall not hold office in an administrative, supervisory, adjudicatory or procuratorial organ of the state.

**Article 104** The standing committees of local people's congresses at and above the county level shall discuss and decide on major issues in all areas of work in their administrative areas; oversee the work of the people's government, the commission of supervision, the people's court and the people's procuratorate at their respective levels; revoke inappropriate decisions and orders made by the people's government at the same level; revoke inappropriate resolutions adopted by the people's congress at the next level down; decide on the appointment or removal of employees of state organs according to the authority invested in them as prescribed by law; and, when people's congresses at their level are out of session, remove from office and elect to fill vacancies individual deputies to the people's congress at the next level up.

**Article 105** Local people's governments at all levels are the executive organs of the local state organs of power at their respective levels; they are the local state administrative organs at their respective levels.

Local people's governments at all levels shall practice a governor, mayor, county head, municipal district head, township head or town head responsibility system.

**Article 106** Local people's governments at all levels shall have the same term of office as that of the people's congresses at their respective levels.

**Article 107** Local people's governments at and above the county level shall, according to the authority invested in them as prescribed by law, manage administrative work related to the economy, education, science, culture, public health, sports, urban and rural development, finance, civil affairs, public security, ethnic affairs, judicial administration, family planning, etc., within their administrative areas; and shall issue decisions and orders, appoint or remove, train, evaluate, and award or punish administrative employees.

The people's governments of townships, ethnic townships and towns shall implement the resolutions of the people's congresses at their level and the decisions and orders of state administrative organs at the next level up; they shall manage the

administrative work of their respective administrative areas.

The people's governments of provinces and cities directly under central government jurisdiction shall decide on the establishment of townships, ethnic townships and towns and their geographic division.

**Article 108** Local people's governments at and above the county level shall direct the work of their subordinate departments and of the people's governments at the next level down and shall have the power to change or revoke inappropriate decisions made by their subordinate departments and the people's governments at the next level down.

**Article 109** Local people's governments at and above the county level shall establish audit offices. Local audit offices at all levels shall, in accordance with the provisions of law, independently exercise the power to conduct auditing oversight; they shall be responsible to the people's government at their level and to the audit office at the next level up.

**Article 110** Local people's governments at all levels shall be responsible to the people's congresses at their levels and shall report to them on their work. Local people's governments at and above the county level shall, when the people's congresses at their level are out of session, be responsible to the standing committees of the people's congresses at their level and shall report to them on their work.

Local people's governments at all levels shall be responsible to state administrative organs at the next level up and shall report to them on their work. Local people's governments at all levels nationwide are state administrative organs under the unified leadership of the State Council; they shall all be subordinate to the State Council.

**Article 111** Residents committees and villagers committees, established among urban and rural residents on the basis of their place of residence, are primary-level people's organizations for self-governance. Residents committee and villagers committee chairpersons, vice chairpersons and members shall be elected by residents. The relations between residents committees and villagers committees and primary-level state bodies shall be prescribed by law.

Residents committees and villagers committees shall establish people's mediation, public security, public health and other subcommittees to handle public affairs and public services in the residential areas to which they belong, mediate civil disputes and help maintain public order; they shall convey residents' opinions and demands and make proposals to the people's government.

## Section 6 Autonomous Organs of Ethnic Autonomous Areas

**Article 112** The autonomous organs of ethnic autonomous areas are the people's congresses and the people's governments of autonomous regions, autonomous prefectures and autonomous counties.

**Article 113** In the people's congresses of autonomous regions, autonomous prefectures and autonomous counties, aside from deputies of the ethnic group that exercises regional autonomy, other ethnic groups resident in that administrative area should also have an appropriate number of deputies.

On the standing committees of people's congresses of autonomous regions, autonomous prefectures and autonomous counties, there should be citizens of the ethnic group that exercises regional autonomy in office as chairperson or vice chairperson.

**Article 114** The offices of governor of an autonomous region, prefect of an autonomous prefecture and head of an autonomous county shall be filled by a citizen belonging to the ethnic group that exercises regional autonomy there.

**Article 115** The autonomous organs of autonomous regions, autonomous prefectures and autonomous counties shall exercise the functions and powers of local state organs as specified in Chapter III Section 5 of the Constitution; at the same time, they shall exercise the power to self-govern according to the authority invested in them as prescribed by the Constitution and the Law on Regional Ethnic Autonomy and other laws, and, based on local circumstances, shall implement the laws and policies of the state.

**Article 116** The people's congresses of ethnic autonomous areas shall have the power to formulate autonomous regulations and local-specific regulations in accordance with the political, economic and cultural characteristics of the ethnic groups in

their areas. The autonomous regulations and local-specific regulations of autonomous regions shall go into effect after submission to the National People's Congress Standing Committee and receipt of approval. The autonomous regulations and local-specific regulations of autonomous prefectures and autonomous counties shall go into effect after submission to the standing committees of the people's congresses of their provinces or autonomous regions and receipt of approval, and shall be reported to the National People's Congress Standing Committee to be placed on record.

**Article 117** Autonomous organs of ethnic autonomous areas shall have the autonomy to manage their local finances. All fiscal revenue which, according to the state financial system, belongs to an ethnic autonomous area should be autonomously allocated and used by the autonomous organs of that ethnic autonomous area.

**Article 118** Autonomous organs of ethnic autonomous areas shall, under the guidance of state plans, autonomously plan for and manage local economic development.

When the state is exploiting resources or establishing enterprises in an ethnic autonomous area, it should be attentive to the interests of that area.

**Article 119** Autonomous organs of ethnic autonomous areas shall autonomously manage the educational, scientific, cultural, health and sports undertakings of their areas, protect and restore the cultural heritage of their ethnic groups, and promote the development and a thriving of ethnic cultures.

**Article 120** Autonomous organs of ethnic autonomous areas may, in accordance with the military system of the state and local needs, and with the approval of the State Council, organize local public security units to maintain public order.

**Article 121** In performing their duties, autonomous organs of ethnic autonomous areas shall, in accordance with the autonomous regulations of that ethnic autonomous area, use the spoken and written language or languages commonly used in that area.

**Article 122** The state shall provide financial, material and technical assistance to ethnic minorities to accelerate their economic and cultural development.

The state shall assist ethnic autonomous areas in training on a large scale officials at all levels, different types of specialized personnel and technical workers from among that area's ethnic groups.

## Section 7 Commissions of Supervision

**Article 123** Commissions of supervision of the People's Republic of China at all levels are the supervisory organs of the state.

**Article 124** The People's Republic of China shall establish a National Commission of Supervision and local commissions of supervision at all levels.

A commission of supervision shall be composed of the following personnel:

a chairperson,

vice chairpersons, and

members.

The chairperson of a commission of supervision shall have the same term of office as that of the people's congress at the same level. The chairperson of the National Commission of Supervision shall serve no more than two consecutive terms.

The organization, functions and powers of the commissions of supervision shall be prescribed by law.

**Article 125** The National Commission of Supervision of the People's Republic of China is the highest supervisory organ.

The National Commission of Supervision shall direct the work of local commissions of supervision at all levels; commissions of supervision at higher levels shall direct the work of those at lower levels.

**Article 126** The National Commission of Supervision shall be responsible to the National People's Congress and the National People's Congress Standing Committee. Local commissions of supervision at all levels shall be responsible to the state organs of power that created them and to the commissions of supervision at the next level up.

**Article 127** Commissions of supervision shall, in accordance with the provisions of law, independently exercise supervisory power, and shall not be subject to interference from any administrative organ, social organization or individual.

The supervisory organs, in handling cases of duty-related malfeasance or crime, shall work together with adjudicatory organs, procuratorial organs and law enforcement departments; they shall act as a mutual check on each other.

## Section 8 People's Courts and People's Procuratorates

**Article 128** The people's courts of the People's Republic of China are the adjudicatory organs of the state.

**Article 129** The People's Republic of China shall establish a Supreme People's Court and local people's courts at all levels, military courts and other special people's courts.

The president of the Supreme People's Court shall have the same term of office as that of the National People's Congress and shall serve no more than two consecutive terms.

The organization of the people's courts shall be prescribed by law.

**Article 130** Except in special circumstances as prescribed by law, all cases in the people's courts shall be tried in public. The accused shall have the right to defense.

**Article 131** The people's courts shall, in accordance with the provisions of law, independently exercise adjudicatory power, and shall not be subject to interference from any administrative organ, social organization or individual.

**Article 132** The Supreme People's Court is the highest adjudicatory organ.

The Supreme People's Court shall oversee the adjudicatory work of local people's courts at all levels and of special people's courts; people's courts at higher levels shall oversee the adjudicatory work of those at lower levels.

**Article 133** The Supreme People's Court shall be responsible to the National People's Congress and the National People's Congress Standing Committee. Local people's courts at all levels shall be responsible to the state organs of power that created them.

**Article 134** The people's procuratorates of the People's Republic of China are the legal oversight organs of the state.

**Article 135** The People's Republic of China shall establish a Supreme People's Procuratorate, local people's procuratorates at all levels, military procuratorates and other special people's procuratorates.

The procurator general of the Supreme People's Procuratorate shall have the same term of office as that of the National People's Congress and shall serve no more than two consecutive terms.

The organization of the people's procuratorates shall be prescribed by law.

**Article 136** The people's procuratorates shall, in accordance with the provisions of law, independently exercise procuratorial power, and shall not be subject to interference from any administrative organ, social organization or individual.

**Article 137** The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate shall direct the work of local people's procuratorates at all levels and of special people's procuratorates; people's procuratorates at higher levels shall direct the work of those at lower levels.

**Article 138** The Supreme People's Procuratorate shall be responsible to the National People's Congress and the National People's Congress Standing Committee. Local people's procuratorates at all levels shall be responsible to the state organs of power that created them and to the people's procuratorates at higher levels.



**Article 139** Citizens of all ethnic groups shall have the right to use their own ethnic group's spoken and written languages in court proceedings. The people's courts and the people's procuratorates should provide translation services for any party to court proceedings who does not have a good command of the spoken or written languages commonly used in the locality.

In areas inhabited by people of an ethnic minority or by a number of ethnic groups living together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written in the language or languages commonly used in the locality according to actual needs.

**Article 140** In handling criminal cases, the people's courts, the people's procuratorates and public security organs should each be responsible for their respective tasks, work together with each other, and act as checks on each other to ensure the faithful and effective enforcement of the law.

## Chapter IV

### The National Flag, National Anthem, National Emblem and the Capital

**Article 141** The national flag of the People's Republic of China is a red flag with five stars.

The national anthem of the People's Republic of China is the *March of the Volunteers*.

**Article 142** The national emblem of the People's Republic of China consists of an image of Tiananmen Gate in the center illuminated by five stars and encircled by spikes of grain and a cogwheel.

**Article 143** The capital of the People's Republic of China is Beijing.

*(This English version is provided by the Communist Party of China Central Committee Institute of Party History and Literature.)*

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## **Montevideo Convention on the Rights and Duties of States**

**Signed at Montevideo, 26 December 1933**

**Entered into Force, 26 December 1934**

**Article 8 reaffirmed by Protocol, 23 December 1936**

Bolivia alone amongst the states represented at the Seventh International Conference of American States did not sign the Convention. The United States of America, Peru, and Brazil ratified the Convention with reservations directly attached to the document.

### **CONVENTION ON RIGHTS AND DUTIES OF STATES**

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Rights and Duties of States, have appointed the following Plenipotentiaries:

Honduras:

Miguel PAZ Baraona

Augusto C. COELLO

Luis BOGRAN

United States of America:

Cordell HULL

Alexander W. WEDDELL

J. Reuben CLARK

J. Butler WRIGHT

Spruille BRADEN

Miss Sophonisba P. BRECKINRIDGE

El Salvador:

Hector David CASTRO

Arturo Ramon AVILA

J. Cipriano CASTRO

Dominican Republic:

Tulio M. CESTERO

Haiti:

Justin BARAU

Francis SALGADO

Antoine PIERRE-PAUL

Edmond MANGONES

Argentina:

Carlos SAAVEDRA Lamas

Juan F. CAFFERATA

Ramon S. CASTILLO

Carlos BREBBIA

Isidoro RUIZ Moreno

Luis A. PODESTA Costa

Raul PREBISCH

Daniel ANTOKOLETZ

Venezuela:

Cesar ZUMETA

Luis CHURTON

José Rafael MONTILLA

Ecuador:  
Augusto AGUIRRE Aparicio  
Humberto ALBORNOZ  
Antonio PARRA  
Carlos PUIG Vilassar  
Arturo SCARONE

Nicaragua:  
Leonardo ARGUELLO  
Manuel CORDERO Reyes  
Carlos CUADRA Pasos

Colombia:  
Alfonso LOPEZ  
Raimundo RIVAS  
José CAMACEO Carreno

Chile:  
Miguel CRUCHAGA Tocomal  
Octavio SENORET Silva  
Gustavo RIVERA  
José Ramon GUTIERREZ  
Felix NIETO DEL RIO  
Francisco FIGUEROA Sanchez  
Benjamin COHEN

Peru:  
Alfredo SOLE Y MURO  
Felipe BARREDA Laos  
Luis Fernan CISNEROS

Cuba:  
Angel Alberto GIRAUDY  
Herminio PORTELL Vila

Alfredo NOGUEIRA

Who, after having exhibited their Full Powers, which were found to be in good and due order, have agreed upon the following:

#### **Article 1**

The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.

#### **Article 2**

The federal state shall constitute a sole person in the eyes of international law.

#### **Article 3**

The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.

The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law.

#### **Article 4**

States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law.

#### **Article 5**

The fundamental rights of states are not susceptible of being affected in any manner whatsoever.

#### **Article 6**

The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable.

#### **Article 7**

The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

#### **Article 8**

No state has the right to intervene in the internal or external affairs of another.

#### **Article 9**

The jurisdiction of states within the limits of national territory applies to all the inhabitants.

Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals.

#### **Article 10**

The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.

#### **Article 11**

The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

#### **Article 12**

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

#### **Article 13**

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

#### **Article 14**

The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

#### **Article 15**

The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

#### **Article 16**

The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

IN WITNESS WHEREOF, the following Plenipotentiaries have signed this Convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

## Reservations

The Delegation of the United States of America, in signing the Convention on the Rights and Duties of States, does so with the express reservation presented to the Plenary Session of the Conference on December 22, 1933, which reservation reads as follows:

The Delegation of the United States, in voting "yes" on the final vote on this committee recommendation and proposal, makes the same reservation to the eleven articles of the project or proposal that the United States Delegation made to the first ten articles during the final vote in the full Commission, which reservation is in words as follows:

"The policy and attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been made by both word and action especially since March 4. I [Secretary of State Cordell Hull, chairman of U.S. delegation] have no disposition therefore to indulge in any repetition or rehearsal of these acts and utterances and shall not do so. Every observing person must by this time thoroughly understand that under the Roosevelt Administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

"In addition to numerous acts and utterances in connection with the carrying out of these doctrines and policies, President Roosevelt, during recent weeks, gave out a public statement expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903. I feel safe in undertaking to say that under our support of the general principle of non-intervention as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt Administration. I think it unfortunate that during the brief period of this Conference there is apparently not time within which to prepare interpretations and definitions of these fundamental terms that are embraced in the report. Such definitions and interpretations would enable every government to proceed in a uniform way without any difference of opinion or of interpretations. I hope that at the earliest possible date such very important work will be done. In the meantime in case of differences of interpretations and also until they (the proposed doctrines and principles) can be worked out and codified for the common use of every government, I desire to say that the United States Government in all of its international associations and relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4 which are embodied in the different addresses of President Roosevelt since that time and in the recent peace address of myself on the 15th day of December before this Conference and in the law of nations as generally recognized and accepted".

The delegates of Brazil and Peru recorded the following private vote with regard to article 11: "That they accept the doctrine in principle but that they do not consider it codifiable because there are some countries which have not yet signed the Anti-War Pact of Rio de Janeiro 4 of which this doctrine is a part and therefore it does not yet constitute positive international law suitable for codification".

Honduras:  
Miguel PAZ Baraona  
Augusto C. COELLO  
Luis BOGRAN

United States of America:  
Alexander W. WEDDELL  
J. Butler WRIGHT

El Salvador:

Hector David CASTRO  
Arturo Ramon AVILA  
Dominican Republic:  
Tulio M. CESTERO

Haiti:  
J. BARAU  
F. SALGADO  
Edmond MANGONES  
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I. RUIZ Moreno  
L. A. PODESTA Costa  
D. ANTOKOLETZ

Venezuela:  
Luis CHURTON  
J. R. MONTILLA

Uruguay:  
A. MANE  
José Pedro VARELA  
Mateo MARQUES Castro  
Dardo REGULES  
Sofia Alvarez Vignoli DE DEMICHELI  
Teofilo PINEYRO Chain  
Luis A. DE HERRERA  
Martin R. ECHEGOYEN  
José G. ANTUNA  
J. C. BLANCO  
Pedro MANINI Rios  
Rodolfo MEZZERA  
Octavio MORATA  
Luis MORQUIO  
José SERRATO

Paraguay:  
Justo Pastor BENITEZ  
Maria F. GONZALEZ

Mexico:  
B. VADILLO  
M. J. SIERRA  
Eduardo SUAREZ

Panama:  
J. D. AROSEMENA  
Magin PONS  
Eduardo E. HOLGUIN  
Guatemala:  
M. ARROYO

Brazil:  
Lucillo A. DA CUNHA Bueno  
Gilberto AMADO

Ecuador:



A. AGUIRRE Aparicio  
H. ALBORNOZ  
Antonio PARRA V.  
C. PUIG V.  
Arturo SCARONE

Nicaragua:  
Leonardo ARGUELLO  
M. CORDERO Reyes  
Carlos CUADRA Pasos

Colombia:  
Alfonso LOPEZ  
Raimundo RIVAS

Chile:  
Miguel CRUCHAGA  
J. Ramon GUTIERREZ  
F. FIGUEROA  
F. NIETO DEL RIO  
B. COHEN

Peru:  
(with reservation set forth)  
Alfredo SOLE Y MURO

Cuba:  
Alberto GIRAUDY  
Herminio PORTELL Vila  
Ing. NOGUEIRA

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## **Geneva Agreements**

**20-21 July 1954**

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### **Agreement on the Cessation of Hostilities in Viet-Nam**

**20 July 1954**

#### **CHAPTER I**

##### **Provisional Military Demarcation Line and Demilitarized Zone**

###### **Article 1**

A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Viet-Nam to the north of the line and the forces of the French Union to the south.

The provisional military demarcation line is fixed as shown on the map attached (see Map No. 1).

It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 Kms. from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

###### **Article 2**

The period within which the movement of all the forces of either party into its regrouping zone on either side of the provisional military demarcation line shall be completed shall not exceed three hundred (300) days from the date of the present Agreement's entry into force.

###### **Article 3**

When the provisional military demarcation line coincides with a waterway, the waters of such waterway shall be open to civil navigation by both parties wherever one bank is controlled by one party and the other bank by the other party. The Joint Commission shall establish rules of navigation for the stretch of waterway in question. The merchant shipping and other civilian craft of each party shall have unrestricted access to the land under its military control.

###### **Article 4**

The provisional military demarcation line between the two final regrouping zones is extended into the territorial waters by a line perpendicular to the general line of the coast.

All coastal islands north of this boundary shall be evacuated by the armed forces of the French Union, and all islands south of it shall be evacuated by the forces of the People's Army of Viet-Nam.

#### **Article 5**

To avoid any incidents which might result in the resumption of hostilities, all military forces, supplies and equipment shall be withdrawn from the demilitarized zone within twenty-five (25) days of the present Agreement's entry into force.

#### **Article 6**

No person, military or civilian, shall be permitted to cross the provisional military demarcation line unless specifically authorized to do so by the Joint Commission.

#### **Article 7**

No person, military or civilian, shall be permitted to enter the demilitarized zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Joint Commission.

#### **Article 8**

Civil administration and relief in the demilitarized zone on either side of the provisional military demarcation line shall be the responsibility of the Commanders-in-Chief of the two parties in their respective zones. The number of persons, military or civilian, from each side who are permitted to enter the demilitarized zone for the conduct of civil administration and relief shall be determined by the respective Commanders, but in no case shall the total number authorized by either side exceed at any one time a figure to be determined by the Trung Gia military Commission or by the Joint Commission. The number of civil police and the arms to be carried by them shall be determined by the Joint Commission. No one else shall carry arms unless specifically authorized to do so by the Joint Commission.

#### **Article 9**

Nothing contained in this chapter shall be construed as limiting the complete freedom of movement, into, out of or within the demilitarized zone, of the Joint Commission, its joint groups, the International Commission to be set up as indicated below, its inspection teams and any other persons, supplies or equipment specifically authorized to enter the demilitarized zone by the Joint Commission. Freedom of movement shall be permitted across the territory under the military control of either side over any road or waterway which has to be taken between points within the demilitarized zone when such points are not connected by roads or waterways lying completely within the demilitarized zone.

## **CHAPTER II**

### **Principles and Procedure Governing Implementation of the Present Agreement**

#### **Article 10**

The Commanders of the Forces on each side, on the one side the Commander-in-Chief of the French Union forces in Indo-China and on the other side the Commander-in-Chief of the People's Army of Viet-Nam, shall order and enforce the complete cessation of all hostilities in Viet-Nam by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

#### **Article 11**

In accordance with the principle of a simultaneous cease-fire throughout Indo-China, the cessation of hostilities shall be simultaneous throughout all parts of Viet-Nam, in all areas of hostilities and for all the forces of the two parties.

Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the cease-fire shall take effect completely and simultaneously for the different sectors of the country as follows:

Northern Viet-Nam at 8.00 a.m. (local time) on 27 July 1954

Central Viet-Nam at 8.00 a.m. (local time) on 1 August 1954

Southern Viet-Nam at 8.00 a.m. (local time) on 11 August 1954

It is agreed that Pekin mean time shall be taken as local time.

From such time as the cease-fire becomes effective in Northern Viet-Nam, both parties undertake not to engage in any large-scale offensive action in any part of the Indo-Chinese theatre of operations and not to commit the air forces based on Northern Viet-Nam outside that sector. The two parties also undertake to inform each other of their plans for movement from one regrouping zone to another within twenty-five (25) days of the present Agreement's entry into force.

#### **Article 12**

All the operations and movements entailed in the cessation of hostilities and regrouping must proceed in a safe and orderly fashion:

(a) Within a certain number of days after the cease-fire Agreement shall have become effective, the number to be determined on the spot by the Trung Gia Military Commission, each party shall be responsible for removing and neutralizing mines (including river- and sea-mines),

booby traps, explosives and any other dangerous substances placed by it. In the event of its being impossible to complete the work of removal and neutralization in time, the party concerned shall mark the spot by placing visible signs there. All demolitions, mine fields, wire entanglements and other hazards to the free movement of the personnel of the Joint Commission and its joint groups, known to be present after the withdrawal of the military forces, shall be reported to the Joint Commission by the Commanders of the opposing forces;

(b) From the time of the cease-fire until regrouping is completed on either side of the demarcation line:

(1) The forces of either party shall be provisionally withdrawn from the provisional assembly areas assigned to the other party.

(2) When one party's forces withdraw by a route (road, rail, waterway, sea route) which passes through the territory of the other party (see Article 24), the latter party's forces must provisionally withdraw three kilometres on each side of such route, but in such a manner as to avoid interfering with the movements of the civil population.

### **Article 13**

From the time of the cease-fire until the completion of the movements from one regrouping zone into the other, civil and military transport aircraft shall follow air-corridors between the provisional assembly areas assigned to the French Union forces north of the demarcation line on the one hand and the Laotian frontier and the regrouping zone assigned to the French Union forces on the other hand.

The position of the air-corridors, their width, the safety route for single-engined military aircraft transferred to the south and the search and rescue procedure for aircraft in distress shall be determined on the spot by the Trung Gia Military Commission.

### **Article 14**

Political and administrative measures in the two regrouping zones on either side of the provisional military demarcation line:

(a) Pending the general elections which will bring about the unification of Viet-Nam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present Agreement;

(b) Any territory controlled by one party which is transferred to the other party by the regrouping plan shall continue to be administered by the former party until such date as all the troops who are to be transferred have completely left that territory so as to free the zone assigned to the party in question. From then on, such territory shall be regarded as transferred to the other party, who shall assume responsibility for it.

Steps shall be taken to ensure that there is no break in the transfer of responsibilities. For this purpose, adequate notice shall be given by the withdrawing party to the other party, which shall make the necessary arrangements, in particular by sending administrative and police detachments to prepare for the assumption of administrative responsibility. The length of such notice shall be determined by the Trung (ie Military Commission. The transfer shall be effected in successive stages for the various territorial sectors.

The transfer of the civil administration of Hanoi and Haiphong to the authorities of the Democratic Republic of Viet-Nam shall be completed within the respective time-limits laid down in Article 15 for military movements.

(c) Each party undertakes to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties.

(d) From the date of entry into force of the present Agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district.

#### **Article 15**

The disengagement of the combatants, and the withdrawals and transfers of military forces, equipment and supplies shall take place in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, equipment and supplies of the two parties shall be completed within three hundred (300) days, as laid down in Article 2 of the present Agreement;

(b) Within either territory successive withdrawals shall be made by sectors, portions of sectors or provinces. Transfers from one regrouping zone to another shall be made in successive monthly instalments proportionate to the number of troops to be transferred;

(c) The two parties shall undertake to carry out all troop withdrawals and transfers in accordance with the aims of the present Agreement, shall permit no hostile act and shall take no step whatsoever which might hamper such withdrawals and transfers. They shall assist one another as far as this is possible;

(d) The two parties shall permit no destruction or sabotage of any public property and no injury to the life and property of the civil population. They shall permit no interference in local civil administration;

(e) The Joint Commission and the International Commission shall ensure that steps are taken to safeguard the forces in the course of withdrawal and transfer

(f) The Trung Gia Military Commission, and later the Joint Commission, shall determine by common agreement the exact procedure for the disengagement of the combatants and for troop withdrawals and transfers, on the basis of the principles mentioned above and within the framework laid down below:

1. The disengagement of the combatants, including the concentration of the armed forces of all kinds and also each party's movements into the provisional assembly areas assigned to it and the other party's provisional withdrawal from it, shall be completed within a period not exceeding fifteen (15) days after the date when the cease-fire becomes effective.

The general delineation of the provisional assembly areas is set out in the maps annexed to the present Agreement

In order to avoid any incidents, no troops shall be stationed less than 1,500 metres from the lines delimiting the provisional assembly areas.

During the period until the transfers are concluded, all the coastal islands west of the following lines shall be included in the Haiphong perimeter:

- meridian of the southern point of Kebao Island
- northern coast of Ile Rousse (excluding the island), extended as far as the meridian of Campha-Mines
- meridian of Campha-Mines.

2. The withdrawals and transfers shall be effected in the following and within the following periods (from the date of the entry into force of the present Agreement):

Forces of the French Union

Hanoi perimeter - 80 days

Haiduong perimeter - 100 days

Haiphong perimeter - 300 days

Forces of the People's Army of Viet-Nam

Ham Tan and Xuyenmoc provisional assembly area - 80 days

Central Viet-Nam provisional assembly area - first instalment- 80 days

Plaine des Jones provisional assembly area-100 days

Central Viet-Nam provisional assembly area - second instalment-100 days



Point Camau provisional assembly area- 200 days

Central Viet-Nam provisions 1 assembly area - last instalment- 300 days

### **CHAPTER III**

#### **Ban on the Introduction of Fresh Troops, Military Personnel, Arms, and Munitions. Military Bases**

##### **Article 16**

With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any troop reinforcements and additional military personnel is prohibited.

It is understood, however, that the rotation of units and Groups of personnel, the arrival in Viet-Nam of individual personnel onto temporary duty basis and the return to Viet-Nam of individual personnel after short periods of leave or temporary duty outside Viet-Nam shall be permitted under the conditions laid down below:

(a) Rotation of units (defined in paragraph (c) of this Article) and groups of personnel shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in Article 1 of the present Agreement, during the withdrawal period provided for in Article 2

However, under the heading of individual personnel not more than fifty (50) men, including officers, shall during any one month be permitted to enter that part of the country north of the provisional military demarcation line on a temporary duty basis or to return there after short periods of leave or temporary duty outside Viet-Nam.

(b) "Rotation" is defined as the replacement of units or groups of personnel by other units of the same echelon or by personnel who are arriving in Viet-Nam territory to do their overseas service there;

(c) The units rotated shall never be larger than a battalion-or the corresponding echelon for air and naval forces;

(d) Rotation shall be conducted on a man-for-man basis, provided, however, that in any one quarter neither party shall introduce more than fifteen thousand five hundred (15,500) members of its armed forces into Viet-Nam under the rotation policy.

(e) Rotation units (defined in paragraph (c) of this Article) and groups of personnel, and the individual personnel mentioned in this Article, shall enter and leave Viet-Nam only through the entry points enumerated in Article 20 below:

(f) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departure of units, groups of personnel and individual personnel in or from Viet-Nam. Reports on the arrivals or departures of units, groups of personnel and individual personnel in or from Viet-Nam shall be submitted daily to the Joint Commission and the International Commission.

All the above-mentioned notifications and reports shall indicate the places and dates of arrival or departure and the number of persons arriving or departing;

(g) The International Commission, through its Inspection Teams, shall supervise and inspect the rotation of units and groups of personnel and the arrival and departure of individual personnel as authorized above, at the points of entry enumerated in Article 20 below.

#### **Article 17**

(a) With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armoured vehicles, is prohibited

(b) It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. Such replacements of war material, arms and munitions shall not be permitted for French Union troops stationed north of the provisional military demarcation line laid down in article 1 of the present Agreement, during the withdrawal period provided for in Article 2.

Naval craft may perform transport operations between the regrouping zones.

(c) The war material, arms and munitions for replacement purposes provided for in paragraph (b) of this Article, shall be introduced into Viet-Nam only through the points of entry enumerated in Article 20 below. War material, arms and munitions to be replaced shall be shipped from Viet-Nam only through the points of entry enumerated in Article 20 below;

(d) Apart from the replacements permitted within the limits laid down in paragraph (b) of this Article, the introduction of war material, arms and munitions of all types in the form of unassembled parts for subsequent assembly is prohibited;

(e) Each party shall notify the Joint Commission and the International Commission at least two days in advance of any arrivals or departures which may take place of war material, arms and munitions of all types.

In order to justify the requests for the introduction into Viet-Nam of arms, munitions and other war material (as defined in paragraph (a) of this Article) for replacement purposes, a report concerning each incoming shipment shall be submitted to the Joint Commission and the International Commission. Such reports shall indicate the use made of the items so replaced;

(f) The International Commission, through its Inspection Teams, shall supervise and inspect the replacements permitted in the circumstances laid down in this Article, at the points of entry enumerated in Article 20 below.

#### **Article 18**

With effect from the date of entry into force of the present Agreement, the establishment of new military bases is prohibited throughout Viet-Nam territory.

#### **Article 19**

With effect from the date of entry into force of the present Agreement, no military base under the control of a foreign State may be established in the re-grouping zone of either party; the two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an aggressive policy.

#### **Article 20**

The points of entry into Viet-Nam for rotation personnel and replacements of material are fixed as follows:

-Zones to the north of the provisional military demarcation line: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen;

-Zone to the south of the provisional military demarcation line: Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tanchau.

### **CHAPTER IV**

#### **Prisoners of War and Civilian Internees**

#### **Article 21**

The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Viet-Nam, French and other nationalities captured since the beginning of hostilities in Viet-Nam during military operations or in any other circumstances of war and in any part of the territory of Viet-Nam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre.

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice.

## **CHAPTER V**

### **Miscellaneous**

#### **Article 22**

The Commanders of the Forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished.

#### **Article 21**

In cases in which the place of burial is known and the existence of graves has been established, the Commander of the Forces of either party shall, within a specific period after the entry into force of the Armistice Agreement, permit the graves service personnel of the other party to enter the part of Viet-Nam territory under their military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war. The Joint Commission shall determine the procedures and the time limit for the performance of this task. The Commanders of the Forces of the two parties shall communicate to each other all information in their possession as to the place of burial of military personnel of the other party.

#### **Article 24**

The present Agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the demilitarized zone and the territory under the military control of the other party, and shall commit no act and undertake no operation against the other party and shall not engage in blockade of any kind in Viet-Nam.

For the purposes of the present Article, the word "territory" includes territorial waters and air space.

#### **Article 25**

The Commanders of the Forces of the two parties shall afford full protection and all possible assistance and co-operation to the Joint Commission and its joint groups and to the International Commission and its inspection teams in the performance of the functions and tasks assigned to them by the present Agreement.

## **Article 26**

The costs involved in the operations of the Joint Commission and joint groups and of the International Commission and its Inspection Teams shall be shared equally between the two parties.

## **Article 27**

The signatories of the present Agreement and their successors in their functions shall be responsible for ensuring the observance and enforcement of the terms and provisions thereof. The Commanders of the Forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present Agreement by all elements and military personnel under their command.

The procedures laid down in the present Agreement shall, whenever necessary, be studied by the Commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

## **CHAPTER VI**

### **Joint Commission and International Commission for Supervision and Control in Viet-Nam**

#### **28.**

Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

#### **29.**

An International Commission shall ensure the control and supervision of this execution.

#### **30.**

In order to facilitate, under the conditions shown below, the execution of provisions concerning joint actions by the two parties a Joint Commission shall be set up in Viet-Nam.

#### **31.**

The Joint Commission shall be composed of an equal number of representatives of the Commanders of the two parties.

#### **32.**

The Presidents of the delegations to the Joint Commission shall hold the rank of General.

The Joint Commission shall set up joint groups the number of which shall be determined by mutual agreement between the parties. The joint groups shall be composed of an equal number of officers from both parties. Their location on the demarcation line between the re-grouping zones shall be determined by the parties whilst taking into account the powers of the Joint Commission.

**33.**

The Joint Commission shall ensure the execution of the following provisions of the Agreement on the cessation of hostilities:

(a) A simultaneous and general cease-fire in Viet-Nam for all regular and irregular armed forces of the two parties.

(b) A re-groupment of the armed forces of the two parties.

(c) Observance of the demarcation lines between the re-grouping zones and of the demilitarized sectors.

Within the limits of its competence it shall help the parties to execute the said provisions, shall ensure liaison between them for the purpose of preparing and carrying out plans for the application of these provisions, and shall endeavour to solve such disputed questions as may arise between the parties in the course of executing these provisions.

**34.**

An International Commission shall be set up for the control and supervision of the application of the provisions of the agreement on the cessation of hostilities in Viet-Nam. It shall be composed of representatives of the following States: Canada, India and Poland.

It shall be presided over by the Representative of India.

**35.**

The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above-mentioned States. The fixed teams shall be located at the following points: Laokay, Langson, Tien-Yen, Haiphong, Vinh, Dong-Hoi, Muong-Sen, Tourane, Quinhon, Nhatrang, Bangoi, Saigon, Cap St. Jacques, Tranchau. These points of location may, at a later date, be altered at the request of the Joint Commission, or of one of the parties, or of the International Commission itself, by agreement between the International Commission and the command of the party concerned. The zones of action of the mobile teams shall be the regions bordering the land and sea frontiers of Viet-Nam, the demarcation lines between the re-grouping zones and the demilitarized zones. Within the limits of these zones they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfilment of their tasks (provision of personnel, placing at their disposal documents needed for supervision, summoning witnesses necessary for holding enquiries, ensuring the security and freedom of movement of the

inspection teams, etc.). They shall have at their disposal such modern means of transport, observation and communication as they may require. Beyond the zones of action as defined above, the mobile teams may, by agreement with the command of the party concerned, carry out other movements within the limits of the tasks given them by the present agreement.

**36.**

The International Commission shall be responsible for supervising the proper execution by the parties of the provisions of the agreement. For this purpose it shall fulfil the tasks of control, observation inspection and investigation connected with the application of the provisions of the agreement on the cessation of hostilities, and it shall in particular:

(a) Control the movement of the armed forces of the two parties effected within the framework of the regroupment plan.

(b) Supervise the demarcation lines between the regrouping areas, and also the demilitarized zones.

(c) Control the operations of releasing prisoners of war and civilian Internees.

(d) Supervise at ports and airfields as well as along all frontiers of Viet-Nam the execution of the provisions of the agreement on the cessation of hostilities, regulating the introduction into the country of armed forces, military personnel and of all kinds of arms, munitions and war material.

**37.**

The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

**38.**

The inspection teams shall submit to the International Commission the results of their supervision, their investigation and their observations, furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the conclusions of each member shall be submitted to the Commission.

**39.**

If any one inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation the International Commission shall be informed; the latter shall study the reports and the conclusions of the inspection teams and shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

**40.**

When the Joint Commission is unable to reach an agreement on the interpretation to be given to some provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

**41.**

The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in article 42. If the votes are divided the chairman's vote shall be decisive.

The International Commission may formulate recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Viet-Nam, in order to ensure a more effective execution of that agreement. These recommendations shall be adopted unanimously.

**42.**

When dealing with questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, namely:

(a) Refusal by the armed forces of one party to effect the movements provided for in the regroupment plan;

(b) Violation by the armed forces of one of the parties of the regrouping zones, territorial waters, or air space of the other party;

the decisions of the International Commission must be unanimous.

**43.**

If one of the parties refuses to put into effect a recommendation of the International Commission, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.

If the International Commission does not reach unanimity in the cases provided for in article 42, it shall submit a majority report and one or more minority reports to the members of the Conference.

The International Commission shall inform the members of the Conference in all cases where its activity is being hindered.



**44.**

The International Commission shall be set up at the time of the cessation of hostilities in Indo-China in order that it should be able to fulfil the tasks provided for in article 36.

**45.**

The International Commission for Supervision and Control in Viet-Nam shall act in close co-operation with the International Commissions for Supervision and Control in Cambodia and Laos.

The Secretaries-General of these three Commissions shall be responsible for co-ordinating their work and for relations between them.

**46.**

The International Commission for Supervision and Control in Viet-Nam may, after consultation with the International Commissions for Supervision and Control in Cambodia and Laos, and having regard to the development of the situation in Cambodia and Laos, progressively reduce its activities. Such a decision must be adopted unanimously.

**47.**

All the provisions of the present Agreement, save the second sub-paragraph of Article 11, shall enter into force at 2400 hours (Geneva time) on 22 July 1954.

Done in Geneva at 2400 hours on the 20th of July 1954 in French and in Viet-Nameese, both texts being equally authentic.

## **Annex to the Agreement on the Cessation of Hostilities in Viet-Nam**

### **I. Delineation of the provisional military demarcation line and the demilitarized zone (Article 1 of the Agreement; reference map: Indo-China 1/100,000 1)**

(a) The provisional military demarcation line is fixed as follows, reading from east to west:

the mouth of the Song Ben Hat (Cue Tung River) and the course of that river (known as the Rao Thanh in the mountains) to the village of Bo Ho Su, then the parallel of Bo Ho Su to the Laos-Viet-Nam frontier.

(b) The demilitarized zone shall be delimited by Trung Gia Military Commission in accordance with the provisions of article 1 of the Agreement on the cessation of hostilities in Viet-Nam.

### **II. General delineation of the provisional assembly areas (Article 15 of the Agreement; reference maps: Indo-China 1/400,000)**

(a) NORTH VIET-NAM

Delineation of the boundary of the provisional assembly area of the French Union forces

1. The perimeter of Hanoi is delimited by the arc of a circle with a radius of 15 kilometres, having as its centre the right bank abutment of Doumer Bridge and running westwards from the Red River to the Rapids Canal in the north-east.

In this particular case no forces of the French Union shall be stationed less than 2 kilometres from this perimeter, on the inside thereof.

2. The perimeter of Haiphong shall be delimited by the Song-Van-Uc as far as Kim Thanh and a line running from the Song-Van-Uc three kilometres north-east of Kim Thanh to cut Road No. 18 two kilometres east of Mao-Khe. Thence a line running three kilometres north of Road 18 to Cho-Troi and a straight line from Cho-Troi to the Mong-Duong ferry.

3. A corridor contained between:

In the south, the Red River from Thanh-Tri to Bang-Nho, thence a line joining the latter point to Do-My (southwest of Kesat), Gia-Loc and Tien Kieu;

In the north, a line running along the Rapids Canal at a distance of 1,500 metres to the north of the Canal, passing three kilometres north of Pha-Lai and Seven Pagodas and thence parallel to Road No. 18 to its point of intersection with the perimeter of Haiphong.

NOTE: Throughout the period of evacuation of the perimeter of Hanoi, the river forces of the French Union shall enjoy complete freedom of movement on the Song-Van-Uc. And the forces

of the People's Army of Viet-Nam shall withdraw three kilometres south of the south bank of the Song-Van-Uc.

Boundary between the perimeter of Hanoi and the perimeter of Haiduong

A straight line running from the Rapids Canal three kilometres west of Chi-ne and ending at Do-My (eight kilometres south-west of Kesat).

(b) CENTRAL VIET-NAM

Delineation of the boundary of the provisional assembly area of the forces of the Viet-Nam People's Army south of the Col des Nuages parallel

The perimeter of the Central Viet-Nam area shall consist of the administrative boundaries of the provinces of Quang-Ngai and Binh-Dinh as they were defined before the hostilities.

(c) SOUTH VIET-NAM

Three provisional assembly areas shall be provided for the forces of the People's Army of Viet-Nam.

The boundaries of these areas are as follows:

1. Xuyen-Moc, Ham-Tan Area

Western boundary: The course of the Song-Ray extended northwards as far as Road No. 1 to a point thereon eight kilometres east of the intersection of Road No. 1 and Road No. 3.

Northern boundary: Road No. 1 from the above-mentioned intersection to the intersection with Route Communale No. 9 situated 27 kilometres west-south-west of Phanthiet and from that intersection a straight line to Kim Thanh on the coast.

2. Plaine des Jones Area

Northern boundary: The Viet-Nam Cambodia frontier.

Western boundary: A straight line from Tong-Binh to Binh-Thanh.

Southern boundary: Course of the Fleuve Anterieur (Mekong) to ten kilometres south-east of Cao Lanh. From that point, a straight line as far as Ap-My-Dien, and from Ap-My-Dien a line parallel to and three kilometres east and then south of the Tong Doc-Loc Canal, this line reaches My-Hanh-Dong and thence Hung-Thanh-My.

Eastern boundary: A straight line from Hung-Thanh-My running northwards to the Cambodian frontier son, Doi-Bao-Voi.

### 3. Point Camau Area

Northern boundary: The Song-Cai-lon from its mouth to its junction with the Rach-Nuoc-Trong, thence the Rach-Nuoc-Trong to the bend five kilometres north-east of Ap-Xeo-La. Thereafter a line to the Ngan-Dua Canal and following that Canal as far as Vinh-Hung. Finally, from Vinh-Hung a north-south line to the sea.

# **Agreement on the Cessation of Hostilities in Cambodia**

## **20 July 1954**

### **CHAPTER I**

#### **Principles and Conditions Governing Execution of the Cease- Fire**

##### **Article 1**

As from twenty-third July 1954 at 0800 hours (Pekin mean time) complete cessation of all hostilities throughout Cambodia shall be ordered and enforced by the Commanders of the Armed Forces of the two parties for all troops and personnel of the land, naval and air forces under their control.

##### **Article 2**

In conformity with the principle of a simultaneous cease-fire throughout Indo-China, there shall be a simultaneous cessation of hostilities throughout Cambodia, in all the combat areas and for all the forces of the two parties.

To obviate any mistake or misunderstanding and to ensure that both the ending of hostilities and all other operations arising from cessation of hostilities are in fact simultaneous,

(a) due allowance being made for the time actually required for transmission of the cease-fire order down to the lowest echelons of the combatant forces of both sides, the two parties are agreed that the complete and simultaneous cease-fire throughout the territory of Cambodia shall become effective at 8 hours (local time) on 7 August 1954. It is agreed that Pekin mean time shall be taken as local time.

(b) Each side shall comply strictly with the time-table jointly agreed upon between the parties for the execution of all operations connected with the cessation of hostilities.

##### **Article 3**

All operations and movements connected with the execution of the cessation of hostilities must be carried in a safe and orderly fashion.

(a) Within a number of days to be determined by the Commanders of both sides, after the cease-fire has been achieved, each party shall be responsible for removing and neutralizing mines, booby traps, explosives and any other dangerous devices placed by it. Should it be impossible to complete removal and neutralization before departure, the party concerned will mark the spot by placing visible signs. Sites thus cleared of mines and any other obstacles to the free movement of the personnel of the International Commission and the Joint Commission shall be notified to the latter by the local military Commanders.

(b) Any incidents that may arise between the forces of the two sides and may result from mistakes or misunderstandings shall be settled on the spot so as to restrict their scope.

(c) During the days immediately preceding the cease-fire each party undertakes not to engage in any large-scale operation between the time when the Agreement on the cessation of hostilities is signed at Geneva and the time when the cease-fire comes into effect.

## **CHAPTER II**

Procedure for the Withdrawal of the Foreign Armed Forces and Foreign Military Personnel from the Territory of Cambodia

### **Article 4**

1. The withdrawal outside the territory of Cambodia shall apply to:

(a) the armed forces and military combatant personnel of the French Union:

(b) the combatant formations of all types which have entered the territory of Cambodia from other countries or regions of the peninsula:

(c) all the foreign elements (or Cambodians not natives of Cambodia) in the military formations of any kind or holding supervisory functions in all political or military, administrative, economic or social bodies, having worked in liaison with the Viet-Nam military units.

2. The withdrawals of the forces and elements referred to in the foregoing paragraphs and their military supplies and materials must be completed within 90 days reckoning from the entry into force of the present Agreement.

3. The two parties shall guarantee that the withdrawals of all the forces will be effected in accordance with the purposes of the Agreement, and that they will not permit any hostile action or take any action likely to create difficulties for such withdrawals. They shall assist one another as far as possible.

4. While the withdrawals are proceeding, the two parties shall not permit any destruction or sabotage of public property or any attack on the life or property of the civilian population. They shall not permit any interference with the local civil administration.

5. The Joint Commission and the International Supervisory Commission shall supervise the execution of measures to ensure the safety of the forces during withdrawal.

6. The Joint Commission in Cambodia shall determine the detailed procedures for the withdrawals of the forces on the basis of the above-mentioned principles.

## **CHAPTER III.**

### **Other Questions**

#### **A. The Khmer armed forces, natives of Cambodia**

##### **Article 5**

The two parties shall undertake that within thirty days after the cease-fire order has been proclaimed, the Khmer Resistance Forces shall be demobilized on the spot; simultaneously, the troops of the Royal Khmer Army shall abstain from taking any hostile action against the Khmer Resistance Forces.

##### **Article 6**

The situation of these nationals shall be decided in the light of the Declaration made by the Delegation of Cambodia at the Geneva Conference, reading as follows:

"The Royal Government of Cambodia, In the desire to ensure harmony and agreement among the peoples of the Kingdom

Declares itself resolved to take the necessary measures to integrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides;

Affirms that all Cambodian citizens may freely Participate as electors or candidates in general elections by secret ballot."

No reprisals shall be taken against the said nationals or their families, each national being entitled to the enjoyment, without any discrimination as compared with other nationals, of all constitutional guarantees concerning the protection of person and property and democratic freedoms.

Applicants therefor may be accepted for service in the Regular Army or local police formations if they satisfy the conditions required for current recruitment of the Army and Police Corps.

The same procedure shall apply to those persons who have returned to civilian life and who may apply for civilian employment on the same terms as other nationals.

**B. Ban on the Introduction of Fresh Troops, Military Personnel, Armaments and Munitions.**

**Military Bases**

**Article 7**

In accordance with the Declaration made by the Delegation of Cambodia at 2400 hours on 20 July 1954 at the Geneva Conference of Foreign Ministers:

"The Royal Government of Cambodia will not join in any agreement with other States, if this agreement carries for Cambodia the obligation to enter into a military alliance not in conformity with the principles of the Charter of the United Nations or with the principles of the agreements on the cessation of hostilities, or, as long as its security is not threatened, the obligation to establish bases on Cambodian territory for the military forces of foreign powers.

"During the period which will elapse between the date of the cessation of hostilities in Viet-Nam and that of the final settlement of political problems in this country, the Royal Government of Cambodia will not solicit foreign aid in war material, personnel or instructors except for the purpose of the effective defence of the territory."

**C. Civilian Internees and Prisoners of War.**

**Burial**

**Article 8**

The liberation and repatriation of all civilian internees and prisoners of war detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of whatever nationality, captured since the beginning of hostilities in Cambodia during military operations or in any other circumstances of war and in any part of the territory of Cambodia shall be liberated after the entry into force of the present Armistice Agreement

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason or kept in detention by either party during the period of hostilities.

(c) All foreign prisoners of war captured by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to the destination of their choice.



## **Article 9**

After the entry into force of the present Agreement, if the place of burial is known and the existence of graves has been established, the Cambodian shall, within a specified period, authorize the exhumation and removal of the bodies of deceased military personnel of the other party, including the bodies of prisoners of war or personnel deceased and buried on Cambodian territory.

The Joint Commission shall fix the procedures by which this task is to be carried out and the time limit within which it must be completed.

## **CHAPTER IV**

### **Joint Commission and International Commission for Supervision and Control in Cambodia**

## **Article 10**

Responsibility for the execution of the Agreement on the cessation of hostilities shall rest with the parties.

## **Article 11**

An International Commission shall be responsible for control and supervision of the application of the provisions of the Agreement on the cessation of hostilities in Cambodia. It shall be composed of representatives of the following States: Canada, India and Poland. It shall be presided over by the representative of India. Its headquarters shall be at Phnom-Penh.

## **Article 12**

The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above-mentioned States.

The fixed teams shall be located at the following points: Phnom-Penh, Kompong-Cham, Kratie, Svay-Rieng, Kampot. These points of location may be altered at a later date by agreement between the Government of Cambodia and the International Commission.

The zones of action of the mobile teams shall be the regions bordering on the land and sea frontiers of Cambodia. The mobile teams shall have the right to move freely within the limits of their zones of action, and they shall receive from the local civil and military authorities all facilities they may require for the fulfilment of their tasks (provision of personnel, access to documents needed for supervision, summoning of witnesses needed for enquiries, security and freedom of movement of the inspection teams, etc.). They shall have at their disposal such modern means of transport, observation and communication as they may require.

Outside the zones of action defined above, the mobile teams may, with the agreement of the Cambodian Commander, move about as required by the tasks assigned to them under the present Agreement.

### **Article 13**

The International Commission shall be responsible for supervising the execution by the parties of the provisions of the present Agreement. For this purpose it shall fully the functions of control, observation, inspection and investigation connected with the implementation of the provisions of the Agreement on the cessation of hostilities, and shall in particular:

(a) control the withdrawal of foreign forces in accordance with the provisions of the Agreement on the cessation of hostilities and see that frontiers are respected;

(b) control the release of prisoners- of war and civilian internees;

(G) supervise, at ports and airfields and along all the frontiers of Cambodia, the application of the Cambodian declaration concerning the introduction into Cambodia of military personnel and war materials on grounds of foreign assistance.

### **Article 14**

A Joint Commission shall be set up to facilitate the implementation of the clauses relating to the withdrawal of foreign forces.

The Joint Commission may form joint groups the number of which shall be decided by mutual agreement between the parties.

The Joint Commission shall facilitate the implementation of the clauses of the Agreement on the cessation of hostilities relating to the simultaneous and general cease-fire in Cambodia for all regular and irregular armed forces of the two parties.

It shall assist the parties in the implementation of the said clauses; it shall ensure liaison between them for the purpose of preparing and carrying out plans for the implementation of the said clauses; it shall endeavour to settle any disputes between the parties arising out of the implementation of these clauses. The Joint Commission may send joint groups to follow the forces in their movements; such groups shall be disbanded once the withdrawal plans have been carried out.

### **Article 15**

The Joint Commission shall be composed of an equal number of representatives of the Commands of the parties concerned.

## **Article 16**

The International Commission shall, through the medium of the inspection teams mentioned above and as soon as possible, either on its own initiative or at the request of the Joint Commission or of one of the parties, undertake the necessary investigations both documentary and on the ground.

## **Article 17**

The inspection teams shall transmit to the International Commission the results of their supervision, investigations and observations; furthermore, they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the findings of each member shall be transmitted to the Commission.

## **Article 18**

If an inspection team is unable to settle an incident or considers that there is a violation or threat of a serious violation, the International Commission shall be informed, the Commission shall examine the reports and findings of the inspection teams and shall inform the parties of the measures to be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

## **Article 19**

When the Joint Commission is unable to reach agreement on the interpretation of a provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

## **Article 20**

The recommendations of the International Commission shall be adopted by a majority vote, subject to the provisions of article 21. If the votes are equally divided, the Chairman's vote shall be decisive.

The International Commission may make recommendations concerning amendments and additions which should be made to the provisions of the Agreement on the cessation of hostilities in Cambodia, in order to ensure more effective execution of the said Agreement. These recommendations shall be adopted unanimously.

## **Article 21**

On questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, and in particular,

(a) refusal by foreign armed forces to effect the movements provided for the withdrawal plan,

(b) violation or threat of violation of the country's integrity by foreign armed forces, the decisions of the International Commission must be unanimous.

#### **Article 22**

If one of the parties refuses to put a recommendation of the International Commission into effect, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.

If the International Commission does not reach unanimity in the cases provided for in article 21, it shall transmit a majority report and one or more minority reports to members of the Conference.

The International Commission shall inform the members of the Conference of all cases in which its work is being hindered.

#### **Article 23**

The International Commission shall be set up at the time of the cessation of hostilities in Indo-China in order that it may be able to perform the tasks prescribed in article 13.

#### **Article 25**

The International Commission for Supervision and Control in Cambodia shall act in close cooperation with the International Commissions in Viet-Nam and Laos.

The Secretaries-General of these three Commissions shall be responsible for coordinating their work and for relations between them.

#### **Article 25**

The International Commission for Supervision and Control in Cambodia may, after consultation with the International Commissions in Viet-Nam and in Laos, and having regard to the development of the situation in Viet-Nam and in Laos, progressively reduce its activities. Such a decision must be adopted unanimously.

## **CHAPTER V**

### **Implementation**

#### **Article 26**

The Commanders of the forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished.

#### **Article 27**

The present Agreement on the cessation of hostilities shall apply to all the armed forces of either party.

#### **Article 28**

The Commanders of the forces of the two parties shall afford full protection and all possible assistance and co-operation to the Joint Commission and to the International Commission and its inspection teams in the performance of their functions.

#### **Article 29**

The Joint Commission, composed of an equal number of representatives of the Commands of the two parties, shall assist the parties in the implementation of all the clauses of the Agreement on the cessation of hostilities, ensure liaison between the two parties, draw up plans for the implementation of the Agreement, and endeavour to settle any dispute arising out of the implementation of the said clauses and plans.

#### **Article 30**

The costs involved in the operation of the Joint Commission shall be shared equally between the two parties.

#### **Article 31**

The signatories of the present Agreement on the cessation of hostilities and their successors in their functions shall be responsible for the observance and enforcement of the terms and provisions thereof. The Commanders of the forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present Agreement by all military personnel under their command.

**Article 32**

The procedures laid down in the present Agreement shall, whenever necessary be examined by the Commands of the two parties and, if necessary, defined more specifically by the Joint Commission.

**Article 33**

All the provisions of the present Agreement shall enter into force at 00 hours (Geneva time) on 23 July 1954.

Done at Geneva on 20 July 1954.

# **Agreement on the Cessation of Hostilities in Laos**

**20 July 1954**

## **CHAPTER I**

### **Cease-Fire and Evacuation of Foreign Armed Forces and Foreign Military Personnel**

#### **Article 1.**

The Commanders of the armed forces of the parties in Laos shall order and enforce the complete cessation of all hostilities in Laos by all armed forces under their control, including all units and personnel of the ground, naval and air forces.

#### **Article 2.**

In accordance with the principle of a simultaneous cease-fire throughout Indo-China the cessation of hostilities shall be simultaneous throughout the territory of Laos in all combat areas and for all forces of the two parties.

In order to prevent any mistake or misunderstanding and to ensure that both the cessation of hostilities and the disengagement and movements of the opposing forces are in fact simultaneous,

(a) Taking into account the time effectively required to transmit the cease-fire order down to the lowest echelons of the combatant forces on both sides, the two parties are agreed that the complete and simultaneous cease-fire throughout the territory of Laos shall become effective at 8 hours local time on 6 August 1954. It is agreed that Peking mean time shall be taken as local time.

(b) The Joint Commission for Laos shall draw up a schedule for the other operations resulting from the cessation of hostilities.

NOTE: The cease-fire shall become effective 15 days after the entry into force of the present Agreement.

#### **Article 3**

All operations and movements entailed by the cessation of hostilities and re-grouping must proceed in a safe and orderly fashion:

(a) Within a number of days to be determined on the spot by the Joint Commission in Laos each party shall be responsible for removing and neutralizing mines, booby traps, explosives and any other dangerous substance placed by it. In the event of its being impossible to complete the work of removal and neutralization in time, the party concerned shall mark the spot by placing visible signs there.

(b) As regards the security of troops on the move following the lines of communication in accordance with the schedule previously drawn up by the Joint Armistice Commission in Laos and the safety of the assembly areas, detailed measures shall be adopted in each case by the Joint Armistice Commission in Laos. In particular, while the forces of one party are withdrawing by a line of communication passing through the territory of the other party (road or waterways) the forces of the latter party shall provisionally withdraw two kilometres on either side of such line of communication, but in such a manner as to avoid interfering with the movement of the civil population.

#### **Article 4**

The withdrawals and transfers of military forces, supplies and equipment shall be effected in accordance with the following principles:

(a) The withdrawals and transfers of the military forces, supplies and equipment of the two parties shall be completed within a period of 120 days from the day on which the Armistice Agreement enters into force.

The two parties undertake to communicate their transfer plans to each other, for information, within 25 days of the entry into force of the present Agreement.

(b) The withdrawals of the Viet-Nameese People's Volunteers from Laos to Viet-Nam shall be effected by provinces. The position of those volunteers who were settled in Laos before the hostilities shall form the subject of a special convention.

(c) The routes for the withdrawal of the forces of the French Union and Viet-Nameese People's Volunteers in Laos from Laotian territory shall be fixed on the spot by the Joint Commission.

(d) The two parties shall guarantee that the withdrawals and transfers of all forces will be effected in accordance with the purposes of this Agreement, and that they will not permit any hostile action or take action of any kind whatever which might hinder such withdrawals or transfers. The parties shall assist each other as far as possible.

(e) While the withdrawals and transfers of the forces are proceeding, the two parties shall not permit any destruction or sabotage of any public property or any attack on the life or property of the local civilian population. They shall not permit any interference with the local civil administration.

(f) The Joint Commission and the International Commission shall supervise the implementation of measures to ensure the safety of the forces during withdrawal and transfer.

(g) The Joint Commission in Laos shall determine the detailed procedures for the withdrawals and transfers of the forces in accordance with the above-mentioned principles.



## **Article 5**

During the days immediately preceding the cease-fire each party undertakes not to engage in any large-scale operation between the time when the Agreement on the cessation of hostilities is signed at Geneva and the time when the cease-fire comes into effect.

## **CHAPTER II**

### **Prohibition of the Introduction of Fresh Troops, Military Personnel, Armaments and Munitions**

## **Article 6**

With effect from the proclamation of the cease-fire the introduction into Laos of any reinforcements of troops or military personnel from outside Laotian territory is prohibited.

Nevertheless, the French High Command may leave a specified number of French military personnel required for the training of the Laotian national army in the territory of Laos; the strength of such personnel shall not exceed one thousand five hundred (1,500) officers and non-commissioned officers.

## **Article 7**

Upon the entry into force of the present Agreement, the establishment of new military bases is prohibited throughout the territory of Laos.

## **Article 8**

The High Command of the French forces shall maintain in the territory of Laos the personnel required for the maintenance of two French military establishments, the first at Seno and the second in the Mekong valley, either in the province of Vientiane or downstream from Vientiane.

The effectives maintained in these military establishments shall not exceed a total of three thousand five hundred (3,500) men.

## **Article 9**

Upon the entry into force of the present Agreement and in accordance with the declaration made at the Geneva Conference by the Royal Government of Laos on 20 July 1954,(2) the introduction into Laos of armaments, munitions and military equipment of all kinds is prohibited, with the exception of a specified quantity of armaments in categories specified as necessary for the defence of Laos.

## **Article 10**

The new armaments and military personnel permitted to enter Laos in accordance with the terms of Article 9 above shall enter Laos at the following points only: Luang-Prabang, Xieng-Khouang, Vientiane, Seno, Pakse, Savannakhet and Tchepone.

## **CHAPTER III**

### **Disengagement of the Forces-Assembly Areas-Concentration Areas**

## **Article 11**

The disengagement of the armed forces of both sides, including concentration of the armed forces, movements to rejoin the provisional assembly areas allotted to one party and provisional withdrawal movements by the other party, shall be completed within a period not exceeding fifteen (15) days after the cease fire.

## **Article 12**

The Joint Commission in Laos shall fix the site and boundaries:

- of the five (5) provisional assembly areas for the reception of the Vietnamese People's Volunteer forces

- of the five (5) provisional assembly areas for the reception of the

French forces in Laos

- of the twelve (12) provisional assembly areas, one to each province, for the reception of the fighting units of "Pathet Lao".

- The forces of the Laotian National Army shall remain in situ during the entire duration of the operations of disengagement and transfer of foreign forces and fighting units of "Pathet Lao".

## **Article 13**

The foreign Forces shall be transferred outside Laotian territory as follows:

(1) French Forces:

The French forces will be moved out of Laos by road (along routes laid down by the Joint Commission in Laos) and also by air and inland waterway;

(2) Vietnamese People's Volunteer forces:

These forces will be moved out of Laos by land, along routes and in accordance with a schedule to be determined by the Joint Commission in Laos in accordance with principle of simultaneous withdrawal of foreign forces.

**Article 14**

Pending a political settlement, the fighting units of "Pathet Lao"; concentrated in the provisional assembly areas, shall move into the Provinces of Phongsaly and Sam-Neua except for any military personnel who wish to be demobilized where they are. They will be free to move between these two Provinces in a corridor along the frontier between Laos and Viet-Nam bounded on the south by the line SOP KIN, NA MI, SOP SANG-MUONG SON.

Concentration shall be completed within one-hundred-and-twenty (120) days from the date of entry into force of the present Agreement.

**Article 15**

Each party undertakes to refrain from any reprisals or discrimination against persons or organizations for their activities during the hostilities and also undertakes to guarantee their democratic freedoms.

**CHAPTER IV**

**Prisoners of War and Civilian Internees**

**Article 16**

The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

(a) All prisoners of war and civilian internees of Laotian and other nationalities captured, since the beginning of hostilities in Laos during military operations or in any other circumstances of war and in any part of the territory of Laos shall be liberated within a period of thirty (30) days after the date when the cease-fire comes into effect.

(b) The term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed strife between the two parties, have been arrested for that reason or kept in detention by either party during the period of hostilities.

(c) All foreign prisoners of war captured by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to the destination of their choice.

## **CHAPTER V**

### **Miscellaneous**

#### **Article 17**

The Commanders of the forces of the two parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished.

#### **Article 18**

In cases in which the place of burial is known and the existence of graves has been established, the Commander of the forces of either party shall, within a specified period after the entry into force of the present Agreement, permit the graves service of the other party to enter that part of Laotian territory under his military control for the purpose of finding and removing the bodies of deceased military personnel of that party, including the bodies of deceased prisoners of war.

The Joint Commission shall fix the procedures by which this task is carried out and the time limits within which it must be completed. The Commanders of the forces of each party shall communicate to the other all information in his possession as to the place of burial of military personnel of the other party.

#### **Article 19**

The present Agreement shall apply to all the armed forces of either party. The armed forces of each party shall respect the territory under the military control of the other party, and engage in no hostile act against the other party.

For the purposes of the present article the word "territory" includes territorial waters and air space.

#### **Article 20**

The Commanders of the forces of the two parties shall afford full protection and all possible assistance and co-operation to the Joint Commission and its joint organs and to the International Commission and its inspection teams in the performance of the functions and tasks assigned to them by the present Agreement.

#### **Article 21**

The costs involved in the operation of the Joint Commission and its joint groups and of the International Commission and its inspection teams shall be shared equally between the two parties.

## **Article 22**

The signatories of the present Agreement and their successors in their functions shall be responsible for the observance and enforcement of the terms and provisions thereof. The Commanders of the forces of the two parties shall, within their respective commands, take all steps and make all arrangements necessary to ensure full compliance with all the provisions of the present Agreement by all military personnel under their command.

## **Article 23**

The procedures laid down in the present Agreement shall, whenever necessary, be examined by the Commanders of the two parties and, if necessary, defined more specifically by the Joint Commission.

## **CHAPTER VI**

### **Joint Commission and International Commission for Supervision and Control in Laos**

## **Article 24**

Responsibility for the execution of the agreement on the cessation of hostilities shall rest with the parties.

## **Article 25**

An International Commission shall be entrusted with control and supervision over the application of the provisions of the agreement on the cessation of hostilities in Laos. It shall be composed of representatives of the following States: Canada, India and Poland.

It shall be presided over by the Representative of India. Its headquarters shall be at Vientiane.

## **Article 26**

The International Commission shall set up fixed and mobile inspection teams, composed of an equal number of officers appointed by each of the above-mentioned States.

The fixed teams shall be located at the following points: Pakse Seno, Tchepone, Vientiane, Xieng-Khonang, Phongsaly, Sophao (province of Samneua). These points of location may, at a later date, be altered by agreement between the Government of Laos and the International Commission.

The zones of action of the mobile teams shall be the regions bordering the land frontiers of Laos. Within the limits of their zones of action they shall have the right to move freely and shall receive from the local civil and military authorities all facilities they may require for the fulfilment of their tasks (provision of personnel, access to documents needed for supervision,

summoning of witnesses needed for holding enquiries, the security and freedom of movement of the inspection teams etc...). They shall have at their disposal such modern means of transport, observation and communication as they may require.

Outside the zones of action defined above, the mobile teams may, with the agreement of the Command of the party concerned, move about as required by the tasks assigned to them by the present agreement.

#### **Article 27**

The International Commission shall be responsible for supervising the execution by the parties of the provisions of the present agreement. For this purpose it shall fulfil the functions of control, observation, inspection and investigation connected with the implementation of the provisions of the agreement on the cessation of hostilities, and shall in particular:

(a) Control the withdrawal of foreign forces in accordance with the provisions of the agreement on the cessation of hostilities and see that frontiers are respected.

(b) Control the release of prisoners of war and civilian internees.

(c) Supervise, at ports and airfields and along all the frontiers of Laos, the implementation of the provisions regulating the introduction into Laos of military personnel and war materials.

(d) Supervise the implementation of the clauses of the agreement on the cessation of hostilities relating to rotation of personnel and to supplies for French Union security forces maintained in Laos.

#### **Article 28**

A Joint Commission shall be set up to facilitate the implementation of the clauses relating to the withdrawal of foreign forces.

The Joint Commission shall form joint groups, the number of which shall be decided by mutual agreement between the parties.

The Joint Commission shall facilitate the implementation of the clauses of the agreement on the cessation of hostilities relating to the simultaneous and general cease-fire in Laos for all regular and irregular armed forces of the two parties.

It shall assist the parties in the implementation of the said clauses; it shall ensure liaison between them for the purpose of preparing and carrying out plans for the implementation of the said clauses; it shall endeavour to settle any disputes between the parties arising out of the implementation of these clauses. The joint groups shall follow the forces in their movements and shall be disbanded once the withdrawal plans have been carried out.

## **Article 29**

The Joint Commission and the Joint Groups shall be composed of an equal number of representatives of the commands of the parties concerned.

## **Article 30**

The International Commission shall, through the medium of the inspection teams mentioned above, and as soon as possible either on its own initiative, or at the request of the Joint Commission, or of one of the parties, undertake the necessary investigations both documentary and on the ground.

## **Article 31**

The inspection teams shall submit to the International Commission the results of their supervision, investigation and observations, furthermore they shall draw up such special reports as they may consider necessary or as may be requested from them by the Commission. In the case of a disagreement within the teams, the findings of each member shall be transmitted to the Commission.

## **Article 32**

If an inspection team is unable to settle an incident or considers that there is a violation or a threat of a serious violation the International Commission shall be informed; the latter shall examine the reports and findings of the inspection teams and shall inform the parties of the measures which should be taken for the settlement of the incident, ending of the violation or removal of the threat of violation.

## **Article 33**

When the Joint Commission is unable to reach an agreement on the interpretation of a provision or on the appraisal of a fact, the International Commission shall be informed of the disputed question. Its recommendations shall be sent directly to the parties and shall be notified to the Joint Commission.

## **Article 34**

The recommendations of the International Commission shall be adopted by majority vote, subject to the provisions contained in article 35. If the votes are equally divided the chairman's vote shall be decisive.

The International Commission may make recommendations concerning amendments and additions which should be made to the provisions of the agreement on the cessation of hostilities in Laos, in order to ensure more effective execution of the said agreement. These recommendations shall be adopted unanimously.

### **Article 35**

On questions concerning violations, or threats of violations, which might lead to a resumption of hostilities, and in particular:

(a) Refusal by foreign armed forces to effect the movements provided for in the withdrawal plan;

(b) Violation or threat of violation of the country's integrity by foreign armed forces,

the decisions of the International Commission must be unanimous.

### **Article 36**

If one of the parties refuses to put a recommendation of the International Commission into effect, the parties concerned or the Commission itself shall inform the members of the Geneva Conference.(3) If the International Commission does not reach unanimity in the cases provided for in article 35, it shall transmit a majority report and one or more minority reports to the members of the Conference. The International Commission shall inform the members of the Conference of all cases in which its work is being hindered.

### **Article 37**

The International Commission shall be set up at the time of the cessation of hostilities in Indo-China in order that it may be able to fulfil the tasks prescribed in article 27.

### **Article 38**

The International Commission for Supervision and Control in Laos shall act in close co-operation with the International Commissions in Viet-Nam and Cambodia.

The Secretaries-General of these three Commissions shall be responsible for co-ordinating their work and for relations between them.

### **Article 39**

The International Commission for Supervision and Control in Laos may, after consultation with the International Commissions in Cambodia and Viet-Nam having regard to the development of the situation in Cambodia and Viet-Nam, progressively reduce its activities. Such a decision must be reduced unanimously [sic]. These recommendations shall be adopted unanimously.



## **CHAPTER VII**

### **Article 40**

All the provisions of the present Agreement, save paragraph (a) of Article 2, shall enter into force at 24 hours (Geneva time) on 22 July 1954.

### **Article 41**

Done in Geneva (Switzerland) on 20 July 1954, at 24 hours, in the French language.

# **Final Declaration of the Geneva Conference on the Problem of Restoring Peace in Indo-China**

**21 July 1954**

FINAL DECLARATION, dated the 21st July, 1954, of the Geneva Conference on the problem of restoring peace in Indo-China, in which the representatives of Cambodia, the Democratic Republic of Viet-Nam, France, Laos, the People's Republic of China, the State of Viet-Nam, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America took part.

1. The Conference takes note of the agreements ending hostilities in Cambodia, Laos and Viet-Nam and organizing international control and the supervision of the execution of the provisions of these agreements.

2. The Conference expresses satisfaction at the ending of hostilities in Cambodia, Laos and Viet-Nam; the Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreements on the cessation of hostilities will permit Cambodia, Laos and Viet-Nam henceforth to play their part, in full independence and sovereignty, in the peaceful community of nations.

3. The Conference takes note of the declarations made by the Governments of Cambodia and of Laos of their intention to adopt measures permitting all citizens to take their place in the national community, in particular by participating in the next general elections, which, in conformity with the constitution of each of these countries, shall take place in the course of the year 1955, by secret ballot and in conditions of respect for fundamental freedoms.

4. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam prohibiting the introduction into Viet-Nam of foreign troops and military personnel as well as of all kinds of arms and munitions. The Conference also takes note of the declarations made by the Governments of Cambodia and Laos of their resolution not to request foreign aid, whether in war material, in personnel or in instructors except for the purpose of the effective defence of their territory and, in the case of Laos, to the extent defined by the agreements on the cessation of hostilities in Laos.

5. The Conference takes note of the clauses in the agreement on the cessation of hostilities in Viet-Nam to the effect that no military base under the control of a foreign State may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy. The Conference also takes note of the declarations of the Governments of Cambodia and Laos to the effect that they will not join in any agreement with other States if this agreement includes the obligation to participate in a military alliance not in conformity with the principles of the Charter of the United Nations or, in the case of Laos, with the principles of the agreement on the cessation of hostilities

in Laos or, so long as their security is not threatened, the obligation to establish bases on Cambodian or Laotian territory for the military forces of foreign Powers.

6. The Conference recognizes that the essential purpose of the agreement relating to Viet-Nam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary. The Conference expresses its conviction that the execution of the provisions set out in the present declaration and in the agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Viet-Nam.

7. The Conference declares that, so far as Viet-Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Viet-Nameese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards.

8. The provisions of the agreements on the cessation of hostilities intended to ensure the protection of individuals and of property must be most strictly applied and must, in particular, allow everyone in Viet-Nam to decide freely in which zone he wishes to live.

9. The competent representative authorities of the Northern and Southern zones of Viet-Nam, as well as the authorities of Laos and Cambodia, must not permit any individual or collective reprisals against persons who have collaborated in any way with one of the parties during the war, or against members of such persons' families.

10. The Conference takes note of the declaration of the Government of the French Republic to the effect that it is ready to withdraw its troops from the territory of Cambodia, Laos and Viet-Nam, at the request of the governments concerned and within periods which shall be fixed by agreement between the parties except in the cases where, by agreement between the two parties, a certain number of French troops shall remain at specified points and for a specified time.

11. The Conference takes note of the declaration of the French Government to the effect that for the settlement of all the problems connected with the re-establishment and consolidation of peace in Cambodia, Laos and Viet-Nam, the French Government will proceed from the principle of respect for the independence and sovereignty, unity and territorial integrity of Cambodia, Laos and Viet-Nam.

12. In their relations with Cambodia, Laos and Viet-Nam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity and the territorial

integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

13. The members of the Conference agree to consult one another on any question which may be referred to them by the International Supervisory Commission, in order to study such measures as may prove necessary to ensure that the agreements on the cessation of hostilities in Cambodia, Laos and Viet-Nam are respected.

**Source:** The Avalon Project, Yale Law School

American Foreign Policy 1950-1955  
Basic Documents Volumes I and II  
Department of State Publication 6446  
General Foreign Policy Series 117  
Washington, DC : U.S. Government Printing Office, 1957

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MOFA to release new version of e-  
passport as of  
January 11, 2021(Press Release no.  
283)

## MOFA to release new version of e-passport as of January 11, 2021

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Press Release no. 283

Ministry of Foreign Affairs

Republic of China (Taiwan)

November 30, 2020

### MOFA to release new version of e-passport as of January 11, 2021

On January 11, 2021, the Ministry of Foreign Affairs (MOFA) will begin issuing a new version of the e-passport of the Republic of China (Taiwan) with an updated cover design that makes identifying the citizenship of its holders easier. The new design, announced on September 2 this year, preserves the main elements and layout of the current design but enlarges the font size of “TAIWAN” and repositions the official English name “REPUBLIC OF CHINA” in a circle around the national emblem. Applications for the new version of the e-passport may be made domestically or submitted to Taiwan’s overseas missions.

A limited quantity of small gifts will be available to those who submit completed passport applications on January 11 to the Bureau of Consular Affairs in Taipei or any of MOFA’s Central, Southern, Eastern, or Southwestern Taiwan Offices. Applications received before noon on the same day at the aforementioned locations will also be entered into a computerized drawing, with applicants having a chance to obtain a new passport with a number ending in 001 to 100. The 100 lucky applicants will be announced on the afternoon of January 11 on the MOFA website.

Taiwan passport holders may continue to use their existing passports until they expire. They may also apply for an e-passport with the new design regardless of the remaining validity period of their existing passports. Application fees will remain at NT\$1,300 (NT\$900 for applicants under the age of 14); application requirements and procedures will also remain unchanged.

MOFA has instructed its overseas missions to notify foreign governments, customs and immigration authorities at airports and seaports, the International Air Transport Association, and airlines about Taiwan’s new biometric passport to facilitate smooth and efficient customs clearance for its holders.

### 檔案下載

- [FAQ](#) **pdf**

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- [New Taiwan Passport](#) **png**

(58 KB) 更新日期：2020-12-14 下載次數：1384

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United Nations General Assembly Twenty-  
sixth session

**2751 (XXVI). Admission of Bhutan to membership in the United Nations**

*The General Assembly,*

*Having received* the recommendation of the Security Council of 10 February 1971 that Bhutan should be admitted to membership in the United Nations,<sup>1</sup>

*Having considered* the application for membership of Bhutan,<sup>2</sup>

*Decides* to admit Bhutan to membership in the United Nations.

*1934th plenary meeting,  
21 September 1971.*

**2752 (XXVI). Admission of Bahrain to membership in the United Nations**

*The General Assembly,*

*Having received* the recommendation of the Security Council of 18 August 1971 that Bahrain should be admitted to membership in the United Nations,<sup>3</sup>

*Having considered* the application for membership of Bahrain,<sup>4</sup>

*Decides* to admit Bahrain to membership in the United Nations.

*1934th plenary meeting,  
21 September 1971.*

**2753 (XXVI). Admission of Qatar to membership in the United Nations**

*The General Assembly,*

*Having received* the recommendation of the Security Council of 15 September 1971 that Qatar should be admitted to membership in the United Nations,<sup>5</sup>

*Having considered* the application for membership of Qatar,<sup>6</sup>

*Decides* to admit Qatar to membership in the United Nations.

*1934th plenary meeting,  
21 September 1971.*

**2754 (XXVI). Admission of Oman to membership in the United Nations**

*The General Assembly,*

*Having received* the recommendation of the Security Council of 30 September 1971 that Oman should be admitted to membership in the United Nations,<sup>7</sup>

*Having considered* the application for membership of Oman,<sup>8</sup>

*Decides* to admit Oman to membership in the United Nations.

*1957th plenary meeting,  
7 October 1971.*

**2758 (XXVI). Restoration of the lawful rights of the People's Republic of China in the United Nations**

*The General Assembly,*

*Recalling* the principles of the Charter of the United Nations,

*Considering* that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

*Recognizing* that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

*Decides* to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

*1976th plenary meeting,  
25 October 1971.*

**2763 (XXVI). Report of the International Atomic Energy Agency**

*The General Assembly,*

*Having received* the report of the International Atomic Energy Agency to the General Assembly for the year 1970/1971,<sup>9</sup>

*Aware* that the statement of the Director-General of the International Atomic Energy Agency of 8 November 1971<sup>10</sup> brings up to date major developments since the report was published,

1. *Takes note* of the report of the International Atomic Energy Agency;

2. *Appreciates* the constructive role that the International Atomic Energy Agency is playing in the peaceful application of nuclear energy for the welfare of Member States;

3. *Commends* the work being undertaken by the International Atomic Energy Agency to meet its safeguards responsibilities;

4. *Further commends* the co-operation of the International Atomic Energy Agency with the United Nations in organizing the Fourth International Con-

<sup>1</sup> Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 25, document A/8278.

<sup>2</sup> A/8275. For the printed text of this document, see Official Records of the Security Council, Twenty-fifth Year, Supplement for October, November and December 1970, document S/10050.

<sup>3</sup> Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 25, document A/8359.

<sup>4</sup> A/8358. For the printed text of this document, see Official Records of the Security Council, Twenty-sixth Year, Supplement for July, August and September 1971, document S/10291.

<sup>5</sup> Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 25, document A/8381.

<sup>6</sup> A/8373. For the printed text of this document, see Official Records of the Security Council, Twenty-sixth Year, Supplement for July, August and September 1971, document S/10306.

<sup>7</sup> Official Records of the General Assembly, Twenty-sixth Session, Annexes, agenda item 25, document A/8449.

<sup>8</sup> A/8320. For the printed text of this document, see Official Records of the Security Council, Twenty-sixth Year, Supplement for April, May and June 1971, document S/10216.

<sup>9</sup> International Atomic Energy Agency, *Annual Report, 1 July 1970-30 June 1971* (Vienna, July 1971); transmitted to the members of the General Assembly by a note of the Secretary-General (A/8384).

<sup>10</sup> See Official Records of the General Assembly, Twenty-sixth Session, Plenary Meetings, 1979th meeting, paras. 15-45.





